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United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 13251–13300

[Approved by the Acting Secretary of Agriculture, Washington, D. C., June 20, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

13251. Adulteration and alleged misbranding of butter. U. S. v. South Hero Creamery Assoc. Tried to the court and a jury. Verdict of guilty on adulteration charge and of not guilty on misbranding charge. Fine, $25. (F. & D. No. 19269. I. S. No. 16844–v.)

At the February, 1925, term of the United States District Court, within and for the District of Vermont, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the South Hero Creamery Assoc., a corporation, South Hero, Vt., alleging shipment by said company, in violation of the food and drugs act as amended, on or about June 23, 1924, from the State of Vermont into the State of Massachusetts, of a quantity of a product invoiced as butter, which was alleged to have been adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the average butterfat content of five samples was 78.39 per cent.

Adulteration of the article was alleged in the information for the reason that a product deficient in butterfat had been substituted for butter, which the said article purported to be, and for the further reason that a product which consisted of less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 13, 1925, the case came on for trial before the court and a jury. After the submission of evidence and arguments of counsel, the court delivered the following instructions to the jury (Howe, *D. J.*):

"Gentlemen of the Jury: There are just two questions of fact in this case for you to decide; one question of fact on each charge. There are two charges that the Government makes against the South Hero Creamery. First, they say that they shipped in interstate commerce some butter that didn't contain 80 per cent of butterfat, that that shipment was made on the 23rd day of June; and second, they say that they shipped this butter in interstate commerce without marking on the tubs the weight. It is an offense against the laws of the United States to ship in interstate commerce any butter that contains less than 80 per cent of milk fat, or butterfat; those terms we have

been told mean the same thing, and it is equally an offense to ship food, and, among other things, butter, without marking the weight on the tubs, if it goes in tubs. Whatever the packages are [they] must have the weight marked on them. Those are the two questions of fact. You can find the creamery guilty of both of these offenses, you can find it not guilty of either offense, or you can find it guilty of one and not guilty of the other.

"Now, this is a criminal case, and the same rules that I have given you here repeatedly apply to this case just as much as to any other criminal case. The creamery is presumed to be innocent, and that presumption is to be weighed in its favor as evidence in the case. If there are two theories in the case, each equally reasonable, it is your duty to adopt the theory leading to innocence, rather than the one leading to guilt. I think you have all been on several trials in which we have gone over this. Is there anyone on this panel who hasn't heard these rules? The reason is, gentlemen, that different lawyers come in, and they don't know how often you have heard these rules. It would be an error on the part of the court to submit a case to the jury without giving these rules. No unfavorable inference can be drawn against the creamery because it has been complained of and charged with this crime. Remember that. The reasonable doubt doctrine, you will remember that. The defendant can not testify, because it is a corporation. It is an invisible person, so I won't need to say anything about the defendant's testimony. The butter maker has testified, and the inspector and the chemist and the professor. Now, the young man that makes the butter over there testified. You have heard some questions asked him about what he told down in Boston to the Chief of the Agricultural Department. You weigh the testimony of all these witnesses and give them just such credit as you think they ought to have. It is for you to say whether you are satisfied that this lot of butter didn't have 80 per cent of butterfat while it was in transit.

"There is no offense committed here, gentlemen, unless you are satisfied beyond a reasonable doubt that when that butter was taken to the station over there, at the South Hero railroad station, and while it was on those cars to Boston, in transit, it must have contained less than 80 per cent of butterfat. The evidence of the Government is that it didn't contain 80 percent, except one of the samples. The evidence of the young man that made it is that he tested it and it tested all right, 80 per cent. He says he understood the law required him to put on weights. He understood that when he was before this man down in Boston.

"You take the evidence in the case, gentlemen, and all the circumstances and all the inferences to be drawn from the evidence, and, if you are satisfied beyond a reasonable doubt, after giving the creamery the benefit of the presumption of innocence, if you are satisfied beyond a reasonable doubt that when this butter was delivered to the railroad station, and while it was in transit to Boston, it didn't contain 80 per cent, you will find the defendant guilty under the first count. If you are not satisfied of those facts beyond a reasonable doubt you will find it not guilty. As to the second count, take into consideration all the evidence in the case. If you are satisfied beyond a reasonable doubt that the weight wasn't marked on these 36 tubs of butter, you will find the creamery guilty under the second count. If you are not satisfied beyond a reasonable doubt that the tubs were not marked, you will find the defendant not guilty under the second count. You may take the case, gentlemen."

The jury then retired and after due deliberation returned a verdict of guilty on the adulteration charge and of not guilty on the misbranding charge, and the court imposed a fine of $25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13252. Adulteration and misbranding of canned tuna. U. S. v. 4 Cases, et al., of Tuna. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 19936, 19937, 19938, 19939. I. S. Nos. 14145–v, 14146–v, 14147–v, 14148–v. S. No. E–5194.)

On March 27, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 19 cases, each containing 48 cans and 46 cans, of tuna, remaining in the original unbroken packages in various lots at Reading and Allentown, Pa., respectively, consigned by the M. de Bruyn Importing Co., New York, N. Y., alleging that the article had been shipped from New York,

N. Y., on or about February 18, 1925, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Juanita Brand California Tuna Standard All Light Meat."

Adulteration of the article was alleged in the libels for the reason that a substance, yellowtail, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the packages inclosing the article contained labels bearing the statements "California Tuna Standard All Light Meat Selected Quality for Discriminating Trade Only," which were false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 20, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13253. Adulteration of oranges. U. S. v. 400 Cases, et al., of Oranges. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 19578, 19804, 19805, 19806, 19809, 19810, 19821. I. S. Nos. 21104–v, 21109–v. 21110–v, 21112–v, 21114–v, 21115–v, 21121–v. S. Nos. W–1641, W–1644, W–1645, W–1648, W–1649, W–1650, W–1676.)

On the respective dates of February 13, 19, 20, and 21, 1925, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 2,208 cases of oranges at Portland, Oreg., alleging that the article had been shipped by the California Fruit Growers' Exchange, from Wilmington, Calif., in various consignments, on the respective dates of January 31, February 4, and February 11, 1925, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled, variously: (Case) "Redlands Pride. Bryn Mawr Fruit Growers Association, Redlands, * * * California"; "Nubian Brand Crown Jewel Groves, Redlands, California"; "Washington Navels Mill Creek Brand. Packed by Crafton Orange Growers Association, Crafton, * * * California"; "Pine Tree Brand Fancy Highland Orange Association, Highland, California"; "Grove Brand. Grown and packed by Highland Fruit Growers Association, Highland, * * * California." The greater portion of the said consignments bore the statement on the cases "California Fruit Growers Exchange."

Adulteration of the article was alleged in the libels for the reason that a substance, an inedible product, had been substituted wholly or in part for normal oranges of good commercial quality.

On February 28, 1925, the California Fruit Growers Exchange, claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation were entered, finding the product adulterated, in that an inedible product had been substituted wholly or in part therefor and in that the particles of the said product were frozen and the oranges had not the juice of oranges of commercial quality, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $3,500, in conformity with section 10 of the act, conditioned in part that it be used for the manufacture of orange marmalade.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13254. Adulteration of oranges. U. S. v. 200 Boxes of Oranges. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19818. I. S. Nos. 21118–v, 21119–v. S. No. W–1675.)

On February 21, 1925, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 boxes of oranges, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Mutual Orange Distributors, from Wilmington, Calif., February 8, 1925, and

transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "Dale Redlands Orangedale Groves Inc. Redlands California."

Adulteration of the article was alleged in the libel for the reason that a substance, an inedible product, had been substituted wholly or in part for normal oranges of good commercial quality.

On February 28, 1925, the California Fruit Growers' Exchange, Los Angeles, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be used in the manufacture of marmalade.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13255. Adulteration and misbranding of canned tomatoes. U. S. v. 1,000 Cases of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19423. I. S. No. 19935-v. S. No. C-4048.)

On December 26, 1924, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,000 cases of canned tomatoes, in various lots, at Houston, Navasota, Victoria, and Brownsville, Tex., respectively, alleging that the article had been shipped by the Davis Canning Co., from Laurel, Del., on or about October 13, 1924, and transported from the State of Delaware into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Dee Bee Brand Tomatoes * * * Packed by Davis Canning Co. Laurel, Del. U. S. A."

Adulteration of the article was alleged in the libel for the reason that a substance, added water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Tomatoes" was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On April 13, 1925, the Davis Canning Co., Laurel, Del., having appeared as claimant, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned that it be relabeled in part: "Water 50% Tomatoes 50% These tomatoes were canned with an additional equal amount of water Canned tomatoes should be packed in their own juice without added water" and disposed of only after such relabeling had been accomplished to the satisfaction of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13256. Misbranding of canned tomatoes. U. S. v. 150 Cases, et al., of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19207. I. S. Nos. 3244-v, 3245-v, 3246-v, 3247-v. S. No. E-5029.)

On December 4, 1924, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2,250 cases of canned tomatoes, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the H. J. McGrath Co., from Baltimore, Md., in various consignments, namely, on or about October 21, 24, 28, and 31, 1924, respectively, and transported from the State of Maryland into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Champion Brand Tomatoes Contents 10 Oz." (or "Contents 1 Lb. 3 Oz.") "Packed by The H. J. McGrath Co. Baltimore, Md., U. S. A."

Misbranding of the article was alleged in the libel for the reason that the statements "Contents 10 Oz." and "Contents 1 Lb. 3 Oz.," as the case might be, borne on the labels, were false and misleading and deceived and misled

the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 19, 1925, the H. J. McGrath Co., Baltimore, Md., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $6,000, in conformity with section 10 of the act, conditioned in part that the cans be relabeled to show the exact weight of the contents thereof.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13257. Adulteration and misbranding of butter. U. S. v. 30 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19802. I. S. No. 16315–v. S. No. E–5133.)

On or about February 6, 1925, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 cases of butter, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the Beatrice Creamery Co., from Topeka, Kans., January 17, 1925, and transported from the State of Kansas into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement "Butter," borne on the packages containing the article, was false and misleading, in that it represented that the article consisted wholly of butter, for the further reason that it was labeled "Butter" so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, and for the further reason that the statement "Butter," borne on the said packages, was false and misleading, in that it represented that the said article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, whereas the said article did not consist wholly of butter but did consist of a product deficient in milk fat and containing excessive moisture, and it did not contain 80 per cent by weight of milk fat but did contain a less amount.

On February 25, 1925, the Beatrice Creamery Co., Topeka, Kans., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be reworked and relabeled so that it meet the requirements of the law.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13258. Misbranding of butter. U. S. v. 50 Cases of Butter. Decree entered, ordering product released under bond. (F. & D. No. 19830. I. S. No. 16292–v. S. No. E–5141.)

On February 10, 1925, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 cases of butter, remaining in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by Swift & Co., from Nashville, Tenn., January 27, 1925, and transported from the State of Tennessee into the State of Georgia, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Brookfield Creamery Butter 1 Lb. Net Weight Distributed by Swift & Company, U. S. A. Quarters."

Misbranding of the article was alleged in the libel for the reason that the net weight statement "1 Lb. Net Weight" was not correct, and for the further

reason that the statement "1 Lb. Net Weight" was false and misleading, since the product had a net weight of less than 1 pound.

On February 21, 1925, Swift & Co. having appeared as claimant for the property and having admitted the material allegations of the libel, a decree of the courts was entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13259. Adulteration of canned salmon. U. S. v. Canadian Bank of Commerce and Beauclaire Packing Co. Case dismissed as to Canadian Bank of Commerce. Plea of guilty by Beauclaire Packing Co. Fine, $50. (F. & D. No. 19281. I. S. No. 8438–v.)

On March 12, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Canadian Bank of Commerce and the Beauclaire Packing Co., corporations, trading at Seattle, Wash., alleging shipment by said companies, in violation of the food and drugs act, on or about October 11, 1923, from the State of Washington into the State of California, of a quantity of canned salmon which was adulterated. The article was labeled in part: (Can) "Blanchard Brand Alaska Pink Salmon Packed By Beauclaire Packing Co. Port Beauclerc, Alaska."

Examination by the Bureau of Chemistry of this department of 192 cans of the article showed that 83 cans, or 43 per cent, contained decomposed salmon.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed animal substance.

On April 6, 1925, the case having been dismissed as to the defendant, Canadian Bank of Commerce, a plea of guilty to the information was entered on behalf of the defendant, Beauclaire Packing Co., and the court imposed a fine of $50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13260. Adulteration of canned salmon. U. S. v. Alaska Consolidated Canneries. Plea of guilty. Fine, $50. (F. & D. No. 19355. I. S. No. 20182–v.)

On March 14, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Alaska Consolidated Canneries, a corporation, Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, on or about August 16, 1924, from the State of Washington into the State of California, of a quantity of canned salmon which was adulterated. The article was labeled in part: (Can) "Surf Brand Choice Alaska Pink Salmon."

Examination by the Bureau of Chemistry of this department of 48 cans from the consignment showed that 9 cans, or 18.7 per cent, contained decomposed salmon.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On April 6, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13261. Adulteration of canned salmon. U. S. v. Libby, McNeill & Libby. Plea of guilty. Fine, $50. (F. & D. No. 18572. I. S. Nos. 8391–v to 8395–v, incl., 11498–v.

On July 28, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Libby, McNeill & Libby, a corporation, trading at Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, on or about August 28, 1923, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon which was adulterated. A portion of the shipment was in unlabeled cans, and a portion was in cans labeled in part: "Brookdale Brand Chum Salmon."

Examination by the Bureau of Chemistry of this department of 96 cans from the labeled portion showed that 24 cans, or 25 per cent, contained decom-

posed salmon. Examination by said bureau of 864 cans from the unlabeled portion showed that 180 cans, or 20.8 per cent, contained decomposed salmon.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 6, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13262. Adulteration of canned salmon. U. S. v. P. E. Harris & Co. Plea of guilty. Fine, $50. (F. & D. No. 19249. I. S. No. 15054–v.)

On December 18, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against P. E. Harris & Co., Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, on or about October 29, 1923, from the State of Washington into the State of Virginia, of a quantity of canned salmon which was adulterated. The article was labeled in part: (Can) "Blanchard Brand Alaska Pink Salmon."

Examination by the Bureau of Chemistry of this department of 96 cans from the consignment showed that 25 cans, or 26 per cent, contained decomposed salmon.

Adulteration of the article was alleged in the information for the reason that it consisted in whole and in part of a filthy and decomposed and putrid animal substance.

On April 6, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13263. Adulteration of canned salmon. U. S. v. Alaska Consolidated Canneries. Plea of guilty. Fine, $50. (F. & D. No. 18746. I. S. Nos. 7748–v, 7780–v.)

On October 17, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Alaska Consolidated Canneries, a corporation, Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, on or about September 22, 1922, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon which was adulterated. The article was labeled in part: (Can) "Tryet Brand Pink Salmon."

Examination by the Bureau of Chemistry of this department of two lots from the consignment, consisting of 95 cans and 96 cans, respectively, showed 17 cans in the first lot and 12 cans in the second lot with evidences of decomposition.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On April 6, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13264. Adulteration of butter. U. S. v. Mutual Creamery Co. Plea of guilty. Fine, $125. (F. & D. No. 18765. I. S. Nos. 20029–v, 20032–v.)

On November 10, 1924, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mutual Creamery Co., a corporation, trading at Lewiston, Idaho, alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about February 6 and February 15, 1924, respectively, from the State of Idaho into the State of Washington, of quantities of butter which was adulterated. The article was labeled in part: "Mutual Creamery Co. Seattle, Wash."

Analyses by the Bureau of Chemistry of this department of four samples from the consignment of February 6, 1924, and five samples from the consignment of February 15, 1924, showed that the said samples averaged 79.52 per cent and 78.86 per cent of butterfat and 16.29 per cent and 16.77 per cent of moisture, respectively.

Adulteration of the article was alleged in the information for the reason that excessive moisture had been mixed and packed therewith so as to reduce

and lower and injuriously affect its quality and strength, for the further reason that a product containing excessive moisture and deficient in milk fat had been substituted for butter, which the article purported to be, for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, and for the further reason that a valuable constituent of the article, to wit, milk fat, had been in part abstracted.

On April 2, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $125.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13265. Adulteration of canned salmon. U. S. v. Alaska Consolidated Canneries. Plea of guilty. Fine, $100. (F. & D. No. 19350. I. S. Nos. 7760-v, 7763-v, 7765-v.)

On March 14, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Alaska Consolidated Canneries, a corporation, Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about June 20, 1924, and July 22, 1924, respectively, from the Territory of Alaska into the State of Washington, of quantities of canned salmon which was adulterated. The article was labeled in part: (Can) "Target Brand Alaska Pink Salmon" or "Surf Brand Choice Alaska Pink Salmon."

Examination by the Bureau of Chemistry of this department of a sample consisting of 192 cans from the first consignment showed that 49 cans, or 25.5 per cent, contained decomposed fish. Examination by said bureau of a sample consisting of 384 cans from the second consignment showed that 95 cans, or 24.7 per cent, contained decomposed fish.

Adulteration of the article was alleged in the information for the reason that a portion of the said article consisted in part of a filthy and decomposed animal substance, and the remainder thereof consisted in part of a filthy and decomposed and putrid animal substance.

On April 8, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13266. Adulteration and misbranding of chocolate concentrate. U. S. v. 5 Gallons of Chocolate Concentrate. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18546. I. S. No. 21703-v. S. No. E-4798.)

On April 10, 1924, the United States attorney for the Northern District of Georg a, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on April 11, 1924, an amendment thereto, praying the seizure and condemnation of 5 gallons of chocolate concentrate, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been sh pped by Jack Beverages, Inc., from New York, N. Y., on or about March 8, 1923 [1924], and transported from the State of New York into the State of Georgia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Five Gals. Real Chocolate Concentrate * * * Jack Beverages, Inc. Manufacturing Chemists New York City."

Adulteration of the art cle was alleged in the libel for the reason that a substance, to wit, glucose, had been mixed and packed with and substituted wholly and in part for the said article. Adulteration was alleged for the further reason that it contained an added poisonous and other added deleterious ingredient, to wit, salicylic ac d, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the statement in the labeling "Real Chocolate Concentrate" was false and misleading and deceived and misled the purchaser to believe that the article was real chocolate concentrate, whereas it was not.

On Apr l 8, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13267. Adulteration and misbranding of cottonseed meal. U. S. v. Eastern Cotton Oil Co. Plea of guilty. Fine, $20. (F. & D. No. 19323. I. S. No. 22261–v.)

On or about February 20, 1925, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Eastern Cotton Oil Co., a corporation, Edenton, N. C., alleging shipment by said company, in violation of the food and drugs act, on or about February 9, 1924, from the State of North Carolina into the State of Maryland, of a quantity of cottonseed meal which was adulterated and misbranded. The article was labeled in part: "Supreme Cotton Seed Meal 100 Lbs. Net Manufactured By Eastern Cotton Oil Company Edenton, N. C. Guarantee Protein not less than 36.00% * * * Fibre not more than 14.00%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the said sample contained 32.51 per cent of crude protein and 15.45 per cent of crude fiber.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed feed containing less than 36 per cent of protein and more than 14 per cent of fiber, had been substituted for cottonseed meal guaranteed to contain not less than 36 per cent of protein and not more than 14 per cent of fiber, which the said article purported to be.

Misbranding was alleged in the information for the reason that the statements, to wit, "Supreme Cotton Seed Meal * * * Guarantee Protein not less than 36.00% * * * Fibre not more than 14.00%," borne on the tags attached to the sacks containing the article, were false and misleading, in that they represented that the article was cottonseed meal containing not less than 36 per cent of protein and not more than 14 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was cottonseed meal containing not less than 36 per cent of protein and not more than 14 per cent of fiber, whereas the said article was not cottonseed meal but was cottonseed feed, in that it contained less than 36 per cent of protein and more than 14 per cent of fiber.

On April 13, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $20.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13268. Misbranding and alleged adulteration of assorted jams. U. S. v. 423 Cases of Assorted Jams. Decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18902. I. S. Nos. 18489–v to 18500–v, incl. S. No. C–4439.)

On August 8, 1924, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 423 cases, each containing a certain number of jars, of assorted jams, at Lexington, Ky., alleging that the article had been shipped by the Best-Clymer Co., St. Louis, Mo., on or about May 25, 1924, and transported from the State of Missouri into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Tre-Vyn Brand Corn Syrup-Fruit Pectin Compound And Strawberry" (or other fruit) "With * * * Phosphoric Acid Added * * * The Best-Clymer Company, St. Louis, Mo.," (Case) "Tre-Vyn Brand Assorted Jam."

Adulteration of the article was alleged in substance in the libel for the reason that an imitation product had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly and in part for the said article, and with respect to a portion of the product, in that an artificially-colored imitation product had been mixed and packed with and substituted wholly and in part for the said article in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statement "Vyn Brand Assorted Jams" was false and misleading and was calculated to deceive the purchaser, since the product was an imitation containing but very little fruit. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On April 6, 1925, the Best-Clymer Co., St. Louis, Mo., having appeared as claimant for the property, judgment of the court was entered, finding the product to be misbranded and ordering its condemnation and forfeiture, and

it was further ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled so that the word "Imitation" appear conspicuously on the labeling.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13269. Misbranding of DeWitt's eclectic cure and DeWitt's liver, blood and kidney remedy. U. S. v. 24 Bottles of DeWitt's Eclectic Cure and 26 Bottles of DeWitt's Liver, Blood & Kidney Remedy. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 16543. S. No. E-4016.)

On July 14, 1922, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 24 bottles of DeWitt's eclectic cure and 26 bottles of DeWitt's liver, blood & kidney remedy, at Axson, Ga., alleging that the articles had been shipped by the W. J. Parker Co., from Baltimore, Md., June 1, 1922, and transported from the State of Maryland into the State of Georgia, and charging misbranding in violation of the food and drugs act as amended. The DeWitt's eclectic cure was labeled in part: (Bottle) "Dr. DeWitts Eclectic Cure * * * For Cramps, Colic and Diarrhoea * * * Indigestion * * * Horse Colic," (carton) "Cure * * * for Indigestion, Diarrhoea, Cramps, Colic, Neuralgia, Headache, Toothache, Sore Throat, etc. * * * Cholera * * * Cholera Morbus * * * Rheumatism and pains generally * * * Sprains or Frosted Feet," (circular) "Cure * * * For Indigestion, Diarrhoea, Cramps, Cramp Colic, Neuralgia, Headache, Toothache, sore throat, etc. Spasmodic attacks * * * Swelling of the Stomach * * * Sprains * * * Horse Colic * * * Chicken Cholera." The DeWitt's liver, blood & kidney remedy was labeled in part: (Bottle and circular) "Dr. DeWitts Liver, Blood And Kidney Remedy * * * Recommended for Relief * * * Diabetes, Inflammation of the Bladder, Malaria, General Debility, Pains Under Shoulder Blades, Back and Sides, And Diseases arising from Derangement of Kidneys and Liver," (carton same as above except no reference to diabetes, but the following additional words appeared) "Blood Purifier And For Kidney And Liver Diseases."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the liver, blood, and kidney remedy consisted essentially of magnesium sulphate, extracts of plant drugs, including senna and buchu, a trace of iodid, alcohol, and water, and that the eclectic cure consisted essentially of volatile oils, including peppermint and sassafras oils, spices, including capsicum and ginger, ether, alcohol, and water.

Misbranding of the articles was alleged in the libels for the reason that the above-quoted statements, regarding the curative and therapeutic effects of the said articles, were false and fraudulent, since they contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On April 10, 1925, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13270. Adulteration of fish. U. S. v. 34 Boxes of Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19888. I. S. No. 23991-v. S. No. C-4677.)

On March 10, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 34 boxes of fish, at Chicago, Ill., alleging that the article had been shipped by the Bay City Freezer, Inc., from Bay City, Mich., February 28, 1925, and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On April 10, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13271. Misbranding of butter. U. S. v. Cleve H. Park and Gilbert S. Fraser (Mount Scott Creamery Co.). Pleas of guilty. Fines, $25 and costs. (F. & D. No. 19587. I. S. No. 18384–v.)

On March 24, 1925, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Cleve H. Park and Gilbert S. Fraser, copartners, trading as Mount Scott Creamery Co., Lawton, Okla., alleging shipment by said defendants, in violation of the food and drugs act as amended, on or about July 8, 1924, from the State of Oklahoma into the State of Texas, of a quantity of butter which was misbranded. The article was labeled in part: "Creamery Butter * * * One Pound Net Weight."

Examination by the Bureau of Chemistry of this department of 50 prints from the consignment showed that the average net weight of the prints examined was 15.69 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the packages containing the article, was false and misleading, in that the said statement represented that the packages contained 1 pound net of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the packages contained 1 pound net of butter, whereas the said packages did not contain 1 pound net of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 6, 1925, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate amount of $25, together with the costs of the proceedings.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13272. Adulteration and misbranding of cottonseed meal. U. S. v. Covington Cotton Oil Co. Plea of guilty. Fine, $25 and costs. (F. & D. No. 19579. I. S. No. 21852–v.)

On March 17, 1925, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Covington Cotton Oil Co., a corporation, Covington, Tenn., alleging shipment by said company, in violation of the food and drugs act, on or about March 12, 1924, from the State of Tennessee into the State of Ohio, of a quantity of cottonseed meal which was adulterated and misbranded. The article was labeled in part: "Guaranteed Analysis Not Less Than Protein (Equivalent to 8% ammonia) 41.00%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained approximately 39.3 per cent of protein, equivalent to 7.64 per cent of ammonia.

Adulteration of the article was alleged in the information for the reason that a substance deficient in protein, in that it contained less than 41 per cent of protein, equivalent to 8 per cent of ammonia, had been substituted for prime cottonseed meal guaranteed to contain not less than 41 per cent of protein equivalent to 8 per cent of ammonia, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Guaranteed Analysis Not Less than Protein (Equivalent to 8% ammonia) 41.00%," borne on the tags attached to the sacks containing the article, was false and misleading, in that the said statement represented that the article contained 41 per cent of protein, equivelent to 8 per cent of ammonia, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 41 per cent of protein, equivalent to 8 per cent of ammonia, whereas the said article contained less than 41 per cent of protein.

On March 30, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25 and costs.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13273. Adulteration of canned salmon. U. S. v. 1,587 Cases of Canned Salmon. Decree entered by consent, condemning and forfeiting 644 cases of product and ordering its release under bond. Case dismissed as to remainder of product. (F. & D. No. 18930. I. S. No. 7773–v. S. No. W–1566.)

On August 27, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on September 10, 1924, an amended libel, praying the seizure and condemnation of 1,587 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash, alleging that the article had been shipped by the Kadiak Fisheries Co., from Kodiak, Alaska, July 25, 1924, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Criterion Brand Pink Alaska Salmon Packed By Kadiak Fisheries Co. Offices—Seattle, Wash."

Adulteration of the article was alleged in the libel as amended for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On February 9, 1925, the Kadiak Fisheries Co., Seattle, Wash., claimant, having admitted the allegations of the libel with respect to 644 cases of the product and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered with respect to said portion of the product, and it was ordered by the court that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $2,000, in conformity with section 10 of the act, conditioned in part that the adulterated portion of the said 644 cases be separated from the unadulterated portion under the supervision of this department, and the adulterated portion destroyed. The remainder of the product was declared by the court to be unadulterated and the libel was dismissed with respect thereto.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13274. Adulteration of canned salmon. U. S. v. 635 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 18629, 18630. I. S. Nos. 4740–v, 4742–v. S. No. C–4343.)

On April 29, 1924, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 635 cases, each containing 48 cans, of salmon, at Hazard, Ky., consigned by F. C. Barnes & Co., from Prince Rupert, B. C., Canada, March 7, 1924, alleging that the article had been shipped in interstate commerce into the State of Kentucky, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Blue Bell Brand, Choice Keta Salmon Packed For F. C. Barnes Company of Portland, Oregon."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On April 6, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13275. Adulteration of canned salmon. U. S. v. Sea Coast Packing Co. Plea of guilty. Fine, $75. (F. & D. No. 19257. I. S. Nos. 7182–v, 7381–v.)

On January 23, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sea Coast Packing Co., a corporation, Seattle, Wash., alleging that on or about September 10 and October 10, 1923, certain quantities of canned salmon had been shipped from the State of Washington into the States of Mississippi and Tennessee, respectively, which had theretofore been guaranteed to the shipper thereof by the defendant company, under a certain sales contract, as meeting the requirements of the food and drugs act, and which was adulterated in violation of said act. The article was labeled in part: (Can) "Higrade Brand Pink Alaska Salmon Packed In Alaska by Sea Coast Packing Co. Seattle, Wash."

Examination by the Bureau of Chemistry of this department of 192 cans from the consignment of October 10, 1923, showed that 120 cans, or 62.5 per cent of those examined, contained decomposed fish. Examination by said bureau of 96 cans from the remaining consignment showed that 25 cans, or 26 per cent of those examined, contained decomposed fish.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On April 6, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $75.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13276. Misbranding and alleged adulteration of grape julep. U. S. v. 35 Gallons of Grape Julep. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18976. I. S. No. 18991–v. S. No. C–4482.)

On September 17, 1924, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 35 gallons of grape julep, at Cedar Rapids, Iowa, alleging that the article had been shipped by the Southern Fruit Julep Co., from Chicago, Ill., on or about April 3, 1924, and transported from the State of Illinois into the State of Iowa, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Bottle) "Artificially Colored * * * Howel's Grape Julep Flavored with Grape Juice and Artificial Grape Flavor * * * Manufactured By The Southern Fruit Julep Company Chicago, Ill., Philadelphia, Pa., Ft. Worth, Texas."

Adulteration of the article was alleged in the libel for the reason that an artificially-flavored and artificially-colored imitation product had been substituted for the said article, and had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality and strength, and for the further reason that it had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the designation "Grape Julep" was false and misleading and deceived or misled the purchaser when applied to an artificially-flavored and artificially-colored imitation product, and for the further reason that it was offered for sale under the distinctive name of another article.

On April 11, 1925, the Southern Fruit Julep Co., Chicago, Ill., having appeared as claimant for the property and having admitted the allegation of misbranding, judgment of the court was entered, condemning and forfeiting the product as being misbranded. It was provided in the said decree that the product might be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13277. Adulteration and misbranding of tomato pulp. U. S. v. 100 Cases of Tomato Pulp. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19505. I. S. No. 13350–v. S. No. E–4909.)

On January 16, 1925, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 cases of tomato pulp, at Syracuse, N. Y., alleging that the article had been shipped by the Greco Canning Co., San Francisco, Calif., on or about November 26, 1924, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "De-Luxe Brand Concentrated Tomato Pulp" (or "Tomato Sauce") "Packed By Greco Canning Co. San Jose Cal."

Adulteration of the article was alleged in substance in the libel for the reason that a substance, viz, an artificially-colored tomato sauce, or pulp, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements in the labeling "Tomato Pulp" and "Tomato Sauce" were false and misleading and deceived and misled the purchaser.

On April 13, 1925, the Crouse Grocery Co., Syracuse, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,400, in conformity with section 10 of the act, conditioned in part that it be relabeled in part: "De Luxe Brand Artificially Colored Concentrated Tomato Pulp."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13278. Adulteration of canned sardines. U. S. v. 49 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19551. I. S. No. 15523-v. S. No. E-4967.)

On February 3, 1925, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 49 cases of sardines, at Johnstown, Pa., alleging that the article had been shipped by the Maine Cooperative Sardine Co., from Eastport, Me., on or about December 20, 1924, and transported from the State of Maine into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "MacNichol Brand American Sardines In Cottonseed Oil. Packed By MacNichol Pkg. Co. Eastport, Washn Co., Me."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On April 13, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13279. Adulteration and misbranding of butter. U. S. v. 41 Tubs and 8 Tubs of Butter. Consent decrees of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. Nos. 20024, 20029. I. S. Nos. 13475-v, 13514-v. S. Nos. E-5195, E-5252.)

On or about March 26, 1925, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 49 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Minnesota Cooperative Creameries Assoc., from Minnesota Transfer, Minn., on or about March 7, 1925, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On April 3, 1925, the Minnesota Co-Operative Creameries Assoc., Inc., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $1,480, in conformity with section 10 of the act, conditioned in part that it be reworked and reprocessed so as to contain at least 80 per cent of butterfat and the packages marked to show the quantity of the contents.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13280. Adulteration and misbranding of butter. U. S. v. 78 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 20030. I. S. No. 13515-v. S. No. E-5253.)

On or about March 26, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 78 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped

by the Rockwell Cooperative Creamery Co., from Rockwell, Iowa, on or about March 10, 1925, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that it was an imitation of or offered for sale under the distinctive name of another article.

On April 4, 1925, the Thornton Creamery Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $2,400, in conformity with section 10 of the act, conditioned in part that it be reworked and reprocessed so as to contain at least 80 per cent of butterfat and the packages marked to show the quantity of the contents.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13281. Adulteration and misbranding of butter. U. S. v. 14 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 20018. I. S. No. 13636–v. S. No. E–5254.)

On or about March 26, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Clermont Valley Creamery, from Clermont, Iowa, on or about March 10, 1925, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was an imitation of or offered for sale under the distinctive name of another article.

On April 9, 1925, the Clermont Valley Creamery Co., Clermont, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree and to recondition the butter so that it should contain at least 80 per cent of butterfat, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $450, in conformity with section 10 of the act, conditioned in part that it be reworked and reprocessed to meet the requirements of the law.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13282. Adulteration of milk. U. S. v. John A. Bergmann (Newport Milk Co.). Plea of guilty. Fine, $10. (F. & D. No. 8939. I. S. Nos. 808–m, 810–m, 846–m, 848–m, 892–m, 951–m, 952–m, 966–m, 2237–p.)

On November 25, 1918, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John A. Bergmann, trading as Newport Milk Co., Newport, Vt., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, namely, on or about July 19 and 20, August 22, 23, 24, 1916, and August 17, 1917, respectively, from the State of Vermont into the State of Massachusetts, of quantities of milk which was adulterated.

Examination of the article by the Bureau of Chemistry of this department showed that it contained an excessive amount of bacteria.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 9, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13283. Adulteration and misbranding of grey shorts. U. S. v. 400 Sacks of Grey Shorts. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19567. I. S. No. 6312-v. S. No. C-4633.)

On or about February 10, 1925, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 sacks of grey shorts, at Little Rock, Ark., alleging that the article had been shipped by the Kansas Flour Mills Co., from Kansas City, Mo., on or about December 31 1924, and transported from the State of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "100 Lbs. when packed Wheat Grey Shorts & Screenings, not exceeding 8 per cent Screenings * * * Licensed and Registered by the Kansas Flour Mills Company, Kansas City, Missouri."

Adulteration of the article was alleged in the libel for the reason that a substance, brown shorts, had been substituted wholly or in part for the said article, and in that it had been mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the designation "Wheat Grey Shorts" was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On April 21, 1925, the Thibault Milling Co., Little Rock, Ark., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $100, in conformity with section 10 of the act, conditioned in part that it be relabeled: "Wheat Brown Shorts and Ground Screenings."

R. W. Dunlap, *Acting Secretary of Agriculture.*

13284. Adulteration and misbranding of assorted jellies. U. S. v. 35 Cases, et al., of Assorted Jellies. Default decree of condemnation, forfeiture, and destruction entered with respect to portion of products. Remainder released under bond to be relabeled. (F. & D. Nos. 17762, 17763, 17764, 17843. I. S. Nos. 1161-v to 1172-v, incl., 1174-v to 1179-v, incl., 15008-v to 15013-v, incl. S. Nos. E-4478, E-4479, E-4480, E-4497.)

On September 7 and 27, and October 4, 1923, respectively, the United States attorney for the District of Columbia, acting upon reports by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, libels praying the seizure and condemnation of 35 cases and 51 cartons, each case and carton containing 3 dozen jars, of assorted jellies, at Washington, D. C., alleging that the articles were being offered for sale and sold in the District of Columbia, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the articles were labeled in part: (Jar) "Queen Brand Pure Apple Jelly Prepared By S. J. Van Lill Co. Baltimore, Md.," and bore a design showing fresh whole apples. The remainder of the said articles bore the same labeling except that the statement "Pure Apple Jelly" was qualified by the statements "Currant Flavor," "Grape Flavor," "Strawberry Flavor," "Blackberry Flavor," or "Raspberry Flavor," as the case might be.

Adulteration of the articles was alleged in the libels for the reason that substances, to wit, pectin jellies, had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength and had been substituted in whole and in part for pure fruit jellies, which the articles purported to be.

Misbranding was alleged for the reason that the statements "Pure Apple Jelly," "Pure Apple Jelly Grape Flavor," "Pure Apple Jelly Blackberry Flavor," "Pure Apple Jelly Currant Flavor," "Pure Apple Jelly Strawberry Flavor," and "Pure Apple Jelly Raspberry Flavor," together with the design showing two fresh whole apples, borne on the jars containing the respective products, were false and misleading, in that the said statements, designs, and devices represented to purchasers that the articles were pure fruit jellies of the flavors designated, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were pure fruit jellies of the flavors designated, whereas they were not but

were apple pectin jellies with little or no flavor. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles, to wit, pure fruit jellies.

On August 7, 1924, the S. J. Van Lill Co., Baltimore, Md., having appeared as claimant in three cases involving 37 cartons and 35 cases of the products, decrees of the court were entered, ordering that the said portion be released to the claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $300, in conformity with section 10 of the act, conditioned in part that the jellies be properly labeled and inspected by this department before sale or other disposition. On September 22, 1924, no claimant having appeared in the remaining case, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the 3 cartons of jellies actually seized be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13285. Adulteration and misbranding of canned tomatoes. U. S. v. 434 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19464. I. S. No. 17221–v. S. No. E–5095.)

On January 5, 1925, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying the seizure and condemnation of 434 cases of canned tomatoes, remaining in the original unbroken packages at Washington, D. C., alleging that the article was being offered for sale and sold in the District of Columbia by the H. M. Wagner Co., Inc., Washington, D. C., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Willard Brand Tomatoes * * * Packed By Delaware Packing Co. Wilmington, Del."

Adulteration of the article was alleged in the libel for the reason that a substance, small pieces of tomato (machine crushed tomatoes) and tomato skins had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the label bore the statement "Tomatoes," which was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On February 24. 1925, the H. M. Wagner Co., Inc., Washington, D. C., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,600, in conformity with section 10 of the act.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13286. Misbranding and alleged adulteration of tomato paste. U. S. v. 50 Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19192. I. S. No. 20351–v. S. No. E–3266.)

On November 26, 1924, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 cases, each containing 200 cans, of tomato paste, remaining in the original packages at Brooklyn, N. Y., alleging that the article had been shipped by the Greco Canning Co., Inc., from San Jose, Calif., November 12, 1924, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Case) "De Luxe Concentrated Tomato Sauce" or "Concentrated Tomato Concentrate di Pomidoro De Luxe Brand," (Can) "De Luxe Brand Concentrated Tomato Pulp Packed By Greco Canning Co. San Jose * * * Cal."

Adulteration of the article was alleged in the libel for the reason that a substance, an artificially-colored tomato product, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Concentrated Tomato Pulp," appearing on the can labels, and the statements "Concentrated Tomato Sauce" and "Concentrated Tomato," as the case might be, appearing

on the case labels, were false and misleading and deceived and misled the purchaser when applied to an artificially-colored tomato product.

On February 11, 1925, the Greco Canning Co., San Jose, Calif., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department by pasting a sticker bearing the statement "Artificially Colored" on both panels of the can label.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13287. Adulteration of chloroform. U. S. v. 20 Dozen Tins of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16485. S. No. C–3665.)

On June 28, 1922, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 dozen tins of chloroform, remaining in the unbroken packages at Detroit, Mich., alleging that the article had been shipped from New York, N. Y., March 2, 1922, in interstate commerce, and transported from the State of New York into the State of Michigan, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Chloroform * * * For Anaesthesia."

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it was turbid, upon evaporation it left a foreign odor, and it contained hydrochloric acid, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under the name of chloroform, a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the said pharmacopœia.

On July 30, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13288. Misbranding of cottonseed cake. U. S. v. 400 Bags of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19515. I. S. No. 22700–v. S. No. C–4619.)

On January 21, 1925, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 bags of cottonseed cake, at Athol, Kans., alleging that the article had been shipped by the Whitesboro Oil Mill, from Whitesboro, Tex., on or about January 5, 1925, and transported from the State of Texas into the State of Kansas, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Choctaw Chief Brand * * * Guaranteed Analysis Protein not less than 43 per cent. Manufactured by Choctaw Cotton Oil Company, General Sales Office, Ada, Oklahoma."

Misbranding of the article was alleged in the libel for the reason that the statement appearing in the labeling "Protein Not less than 43 per cent" was false and misleading and was calculated to induce the purchaser to believe that the article contained not less than 43 per cent of protein, when, in truth and in fact, it contained a much less amount than 43 per cent of protein.

On February 28, 1925, the Whitesboro Oil Mill, Whitesboro, Tex., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be relabeled to show its true contents.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13289. Misbranding of cottonseed meal. U. S. v. 1,400 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19516. I. S. Nos. 22897–v, 22848–v. S. No. C–4617.)

On or about January 21, 1925, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,400 sacks of cottonseed meal, remaining in the original unbroken packages at Dupo, Ill., consigned by the Buckeye Cotton Oil Co., Memphis, Tenn., alleging that the article had been shipped from Memphis, Tenn., on or about January 8, 1925, and transported from the State of Tennessee into the State of Illinois, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "100 Lbs. Net Buckeye Prime Cottonseed Meal Manufactured By The Buckeye Cotton Oil Co. General Offices, Cincinnati, Ohio Protein 43.00 Per Cent Minimum * * * Ammonia 8.37 Per Cent Minimum."

Misbranding of the article was alleged in the libel for the reason that the statement "Protein 43.00 Per Cent Minimum," appearing in the labeling, was false and misleading and deceived and misled the purchaser.

On February 12, 1925, the Ralston Purina Co., East St. Louis, Ill., having appeared as claimant for the property, judgment of the court was entered, finding the product liable to condemnation and forfeiture, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $4,500, in conformity with section 10 of the act.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13290. Adulteration of canned sardines. U. S. v. 7 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19221. S. No. E–5036.)

On December 5, 1924, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 7 cases of sardines, remaining in the original unbroken packages at Haverhill, Mass., consigned by the Seacoast Canning Co., alleging that the article had been shipped from Eastport, Me., November 15, 1923, and transported from the State of Maine into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Sea Lion Brand American Sardines In Cottonseed Oil Packed By Seacoast Canning Co. Eastport, Me."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed animal substance.

On April 3, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13291. Misbranding of oil. U. S. v. Reliable Importing Co. Plea of guilty. Fine, $50. (F. & D. No. 18739. I. S. Nos. 197–v, 15901–v.)

On March 10, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Reliable Importing Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about June 13, June 28, October 16, and October 20, 1923, respectively, from the State of New York into the State of Connecticut, of quantities of oil which was misbranded. The article was labeled in part: (Case) "12 ½-Gal Tins 'Contadina Brand,'" (Can) "Contadina Brand Superior Quality Oil Vegetable Salad Oil flavored slightly with Pure Olive Oil. A compound 0.98 Of Half Gallon Or 3¾ Lbs. Net."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that a portion of the product consisted of corn oil and the remainder thereof consisted of corn oil mixed with approximately 25 per cent of cottonseed oil. Examination by said bureau of 6 cans from the consignments showed an average volume of 0.481 gallon, or 3 pounds 11 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "½ Gal. Tins," borne on the cases, and the statements,

to wit, "flavored slightly with Pure Olive Oil," and "0.98 Of Half Gallon Or 3¾ Lbs. Net," borne on the cans containing the said article, were false and misleading, in that they represented that each of the said cans contained one-half gallon of the article, that it was flavored slightly with pure olive oil, and that each of the said cans contained 0.98 of a half gallon or 3¾ pounds net of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained one-half gallon of the article, that it was flavored slightly with pure olive oil, and that each of the said cans contained 0.98 of a half gallon or 3¾ pounds net of the said article, whereas, in truth and in fact, each of the said cans did not contain one-half gallon of the article, it was not flavored slightly with pure olive oil, but was composed in large part of corn oil and contained an inappreciable amount, if any, of olive oil, and each of the said cans did not contain 0.98 of a half gallon or 3¾ pounds of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 13, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13292. Misbranding of olive oil and salad oil. U. S. v. Nicholas G. Makris. Plea of guilty. Fine, $70. (F. & D. No. 19287. I. S. Nos. 9826-v, 9827-v, 11517-v, 11518-v, 20649-v, 20650-v.)

On March 23, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Nicholas G. Makris, New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, from the State of New York into the State of Utah, in various consignments, namely, on or about March 8 and September 29, 1923, respectively, of quantities of olive oil, and on or about September 29 and October 13, 1923, respectively, of quantities of salad oil which were misbranded. The articles were labeled in part, respectively: (Can) "Makris Brand Imported Lucca Olive Oil * * * Net Contents One Gallon" (or "Net Contents Half Gallon" or "Net Contents One Quart") "B. G. Makris" and "Uncle Sam Oil Our Brand * * * Winterpressed Vegetable Salad Oil * * * Net Contents One Gallon Packed By B. G. Makris New York."

Examination by the Bureau of Chemistry of this department of 33 of the 1-gallon size cans, 30 of the half gallon size cans, and 41 of the 1-quart size cans of olive oil showed that they averaged 113.4, 61.7, and 30.6 fluid ounces, respectively. Examination by said bureau of 45 of the 1-gallon size cans of salad oil showed an average of 113.3 fluid ounces.

Misbranding of the articles was alleged in the information for the reason that the statements, to wit, "Net Contents One Gallon," "Net Contents Half Gallon," and "Net Contents One Quart," borne on the cans containing the respective articles, were false and misleading, in that they represented that the said cans contained 1 gallon, one half gallon, or 1 quart of the respective articles, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained 1 gallon, one half gallon, or 1 quart of the respective articles, as the case might be, whereas the said cans did not contain the amounts declared on the labels but did contain less amounts. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On April 6, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of $70.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13293. Adulteration and misbranding of jams. U. S. v. 3,250 Jars of Strawberry Jam, et al. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 19869. I. S. Nos. 20374-v, 20375-v. S. No. W-1651.)

On March 4, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure

and condemnation of 3,250 jars of strawberry jam and 3,528 jars of raspberry jam, remaining in the original unbroken packages at San Francisco, Calif., alleging that the articles had been shipped by the Hudson Valley Pure Food Co., from Highland, N. Y., December 3, 1924, and transported from the State of New York into the State of California, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Jar) "Net Weight 15 Ozs. Ballardvale Pure Strawberry" (or "Raspberry") "Jam Distributed by United Drug Company Boston-St. Louis U. S. A."

Adulteration of the articles was alleged in the libel for the reason that a substance, excessive sugar, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Pure Strawberry Jam" and "Pure Raspberry Jam," appearing in the labelings, were false and misleading and deceived and misled the purchaser, and for the further reason that they were offered for sale under the distinctive names of other articles.

On April 17, 1925, the United Drug Co., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that they be brought into compliance with the law under the supervision of this department.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13294. Adulteration and misbranding of prepared mustard. U. S. v. 12 Cases and 43 Cases of Prepared Mustard. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18784. I. S. Nos. 12908–v, 12909–v. S. No. E–4867.)

On June 13, 1924, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 cases, containing 8-ounce jars, and 43 cases, containing 16-ounce jars, of prepared mustard, remaining in the original unbroken packages at Bridgeport, Conn., alleging that the article had been shipped by the Federal Food Products Co., Newark, N. J., on or about May 15, 1924, and transported from the State of New Jersey into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Apex Brand Prepared Mustard—Mustard Bran—Made From Mustard Seed, Pure Spices, Turmeric, Salt And Distilled Vinegar. Importers And Manufacturers Meyer & Carmody Import Co. Inc. N. Y."

Adulteration of the article was alleged in the libel for the reason that mustard bran and turmeric had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance, an imitation mustard, had been substituted wholly or in part for the said article, and for the further reason that it had been colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the labels bore the statement, to wit, "Prepared Mustard Importers And Manufacturers Meyer & Carmody Import Co. Inc. N. Y.," which statement was false and misleading and deceived and misled the purchaser, and in that it was an imitation of or offered for sale under the distinctive name of another article.

On March 28, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13295. Misbranding of cottonseed meal. U. S. v. Terrell Oil & Refining Co. Plea of guilty. Fine, $100. (F. & D. No. 19232. I. S. No. 10681–v.)

On November 29, 1924, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Terrell Oil & Refining Co., a corporation, Terrell, Tex., alleging shipment by said company, in violation of the food and drugs act, on or about September

14, 1923, from the State of Texas into the State of Minnesota, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "43% Protein Cotton Seed Meal Prime Quality Manufactured by Terrell Oil & Refining Co., Inc. Terrell, Texas Guaranteed Analysis: Protein, not less than 43%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 40.8 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "43% Protein Cotton Seed Meal Prime Quality * * * Guaranteed Analysis: Protein, not less than 43%," borne on the tags attached to the sacks containing the article, were false and misleading, in that they represented that the article contained not less than 43 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas the said article did not contain 43 per cent of protein but did contain a less amount.

On February 12, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13296. Misbranding of canned squash. U. S. v. 61 Cases of Canned Squash. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19850. I. S. No. 13926-v. S. No. E-5146.)

On March 4, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 61 cases of canned squash, remaining in the original unbroken packages at Fall River, Mass., alleging that the article had been shipped by C. B. Ayars [Canning] Co., from Bridgeton, N. J., January 22, 1925, and transported from the State of New Jersey into the State of Massachusetts, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Bridgeton Brand Extra Dry Squash Contents 2 Lbs. 1 Oz. Clinton B. Ayars Canning Co. Bridgeton, N. J."

Misbranding of the article was alleged in the libel for the reason that the statement "Contents 2 Lbs. 1 Oz.," appearing on the labels, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 26, 1925, the Clinton B. Ayars Canning Co., Bridgeton, N. J., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13297. Adulteration of frozen eggs. U. S. v. 220 Cans of Frozen Eggs. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19908. I. S. No. 14227-v. S. No. E-5179.)

On March 20, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 220 cans of frozen eggs, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Indiana Refrigerating Co., from Indianapolis, Ind., June 18, 1924, and transported from the State of Indiana into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Whole Eggs Prepared By Wm. Locks Co. * * * Indianapolis, Ind."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole and in part of a filthy, decomposed, and putrid animal substance.

On March 27, 1925, the Goldsmith-Stockwell Co., Boston, Mass., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13298. Adulteration of canned sardines. U. S. v. 71 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19565. I. S. No. 19143–v. S. No. C–4639.)

On February 9, 1925, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 71 cases of sardines, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Sunset Packing Co., from West Pembroke, Me., on or about September 15, 1924, and transported from the State of Maine into the State of Wisconsin, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Sunset Brand American Sardines in Cottonseed Oil Packed by Sunset Packing Co., West Pembroke, Washington Co. Maine."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On April 17, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13299. Misbranding of cottonseed meal. U. S. v. 150 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19900. I. S. No. 14129–v. S. No. E–5171.)

On March 16, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 150 sacks of cottonseed meal, remaining in the original unbroken packages at Shocks Mills, Pa., alleging that the article had been shipped by the Wilmington Oil & Fertilizer Co., from Wilmington, N. C., on or about October 23, 1924, and transported from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Dixie Brand Cotton Seed Meal * * * Ammonia 8.00% Protein 41.12%."

Misbranding of the article was alleged in the libel for the reason that the statement "Ammonia 8.00% Protein 41.12%," appearing in the labeling, was false and misleading and deceived and misled the purchaser.

On April 22, 1925, D. A. Teckler, Shocks Mills, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $600, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13300. Misbranding and alleged adulteration of evaporated apples. U. S. v. 94 Cases of Evaporated Apples. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19882. I. S. No. 13600–v. S. No. E–5163.)

On March 10, 1925, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 94 cases of evaporated apples, remaining in the original unbroken packages at New Haven, Conn., consigned from Webster, N. Y., alleging that the article had been shipped by E. B. Holton, on or about November 25, 1924, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "50 Lbs. Daisie Brand Choice Wood Dried Evaporated Ring Apples Packed By E. B. Holton, Webster, N. Y."

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been substituted wholly or in part for the said article and had been mixed and packed with it so as to reduce, lower, or injuriously affect its quality.

Misbranding was alleged for the reason that cases containing the article bore certain statements, designs, and devices which were false and misleading and deceived and misled the purchaser, and in that it was offered for sale under the distinctive name of another article.

On April 22, 1925, E. B. Holton, Webster, N. Y., having appeared as claimant for the property, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,128, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 13251 TO 13300

[1] Contains instructions to the jury.

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United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 13301–13350

[Approved by the Acting Secretary of Agriculture, Washington, D. C., July 14, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

13301. Adulteration of oranges. U. S. v. 315 Cases of Oranges. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19811. I. S. No. 21136–v. S. No. W–1671.)

On February 19, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 315 cases of oranges, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Mutual Orange Distributors, from Wilmington, Calif., February 8, 1925, and transported from the State of California into the State of Washington, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Case) "California Oranges * * * Dependable Brand Cooperative Orange Distributors California Member Mutual Orange Distributors California."

Adulteration of the article was alleged in the libel for the reason that a substance, an inedible product, had been substituted wholly or in part for the said article.

On March 3, 1925, the Pacific Fruit & Produce Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be repacked under the supervision of this department, so as to eliminate the portion unfit for consumption.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13302. Misbranding of horse and mule feed. U. S. v. 50 Sacks of Horse and Mule Feed. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19569. I. S. No. 16626–v. S. No. E–5131.)

On February 9, 1925, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 sacks of horse and mule feed, remaining in the original unbroken packages at Raleigh, N. C., consigned by the Atlantic Milling Co., Augusta, Ga., alleging that the article had been shipped on or about January 26, 1925, from Atlanta, Ga., and transported from the State of Georgia into the State of North Carolina, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Amco Horse and Mule Feed Manufactured By Atlantic Milling Company, Augusta, Ga. Guaranteed Analysis Protein 10% Fat 2% Fibre 15%."

Misbranding of the article was alleged in substance in the libel for the reason that the labeling bore statements, designs, and devices, to wit, "Guaranteed Analysis Protein 10% Fat 2% Fibre 15%," which were false and misleading and deceptive to the purchaser.

On March 23, 1925, the Atlantic Milling Co., Augusta, Ga., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $200, in conformity with section 10 of the act, conditioned in part that it be relabeled by changing the guaranteed analysis to read "Protein 7½%, Fat 1½%, Fibre 17½%," and that the word "Oats" be stricken from the statement of ingredients and the words "Peanut Hulls" added thereto.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13303. Adulteration of oranges. U. S. v. 99 Boxes of Oranges. Default decree of condemnation, forfeiture, and destruction or sale. (F. & D. Nos. 19853, 19854. I. S. No. 20712–v. S. No. W–1672.)

On February 12, 1925, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 99 boxes of oranges, remaining in the original unbroken packages at Denver, Colo., consigned by the Randolph Marketing Co., Bryn Mawr, Calif., alleging that the article had been shipped from Bryn Mawr, Calif., on or about December 31, 1924, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Mallard Brand Randolph Marketing Co. California."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed vegetable substance, to wit, decomposed oranges.

On April 23, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal, said judgment containing the proviso that the product might be sorted under the supervision of this department and the good portion sold.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13304. Misbranding of meat scrap. U. S. v. 200 Sacks of Meat Scrap. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19465. I. S. No. 21289–v. S. No. E–5089.)

On January 2, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 sacks of meat scrap, remaining in the original unbroken packages at Westminster, Md., consigned about November 3, 1924, alleging that the article had been shipped by the Allentown Mfg. Co., from Allentown, Pa., and transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Jordan Meat Scrap Guaranteed Analysis Protein 55% * * * Manufactured By Allentown Mfg. Co., Allentown, Pa."

Misbranding of the article was alleged in the libel for the reason that the label bore the statement, regarding the said article, "Guaranteed Analysis Protein 55%," which was false and misleading and deceived and misled the purchaser.

On February 24, 1925, Englar & Sponsellar, Westminster, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until plainly and conspicuously labeled to show its contents.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13305. Misbranding of butter. U. S. v. Darter Butter Co. Plea of guilty. Fine, $100 and costs. (F. & D. No. 18306. I. S. Nos. 4599–v, 4600–v, 4676–v.)

On March 7, 1924, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district an information against the Darter Butter Co., a corporation, Bristol, Va., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, on or about August 17 and 18, 1923, respectively, from the State of Virginia into the State of Tennessee, of quantities of butter which was misbranded. The article was labeled in part: "Lily Butter Darter Butter Co. Bristol, Va.-Tenn. Pasteurized One Pound Net."

Weighings by the Bureau of Chemistry of this department of 45, 24, and 23 samples from the different consignments showed averages of 14.85 ounces, 14.90 ounces, and 14.94 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the said article, was false and misleading, in that the said statement represented that the packages each contained 1 pound net of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages each contained 1 pound net of butter, whereas they did not but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 13, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100 and costs.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13306. Adulteration and misbranding of evaporated apples. U. S. v. 17 Cases, et al., of Evaporated Apples. Decrees of condemnation. Product released under bond. (F. & D. Nos. 19899, 19913. I. S. Nos. 13900–v, 13927–v, 13928–v, 14228–v. S. Nos. E–5169, E–5187.)

On March 14 and 20, 1925, respectively, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 60 cases and 37 boxes of evaporated apples, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by E. B. Holton, from Webster, N. Y., in part November 25, 1924, and in part January 17, 1925, and transported from the State of New York into the State of Massachusetts, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled, variously, in part: "Holton Brand Fancy Evaporated Apples Packed By E. B. Holton, Manufacturer and Packer Of Evaporated Fruits, Webster, N. Y.," "Holton Brand Fancy Wood Dried Evaporated Ring Apples," or "Daisie Brand Choice Evaporated Ring Apples Packed By E. B. Holton, Webster, N. Y."

Adulteration of the article was alleged in the libels for the reason that a substance, excessive moisture, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the statements "Evaporated Ring Apples," "Evaporated Apples," and "Evaporated Fruits," as the case might be, appearing in the labeling, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 15, 1925, E. B. Holton, Webster, N. Y., having entered an appearance as claimant for the property and having filed satisfactory bonds in conformity with section 10 of the act, judgments of condemnation were entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13307. Adulteration of canned salmon. U. S. v. Kuiu Island Warehouse Co. and Beauclaire Packing Co. Plea of guilty. Fine, $50. (F. & D. No. 19280. I. S. No. 12068–v.)

On February 17, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Kuiu Island Warehouse Co., a corporation, having a representative at Seattle, Wash., and the Beauclaire Packing Co., a corporation, trading at Seattle, Wash., alleging shipment by said companies, in violation of the food and drugs act, on or about September 22, 1923, from the Territory of Alaska

into the State of Washington, of a quantity of canned salmon which was adulterated. The article was labeled in part: (Can) "Blanchard Brand Alaska Pink Salmon Packed By Beauclaire Packing Co. Port Beauclerc, Alaska."

Examination by the Bureau of Chemistry of this department of 576 cans taken from the consignment showed that 63 cans, or 10.9 per cent, were decomposed.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On April 6, 1925, a plea of guilty to the information was entered on behalf of the defendant companies, and the court imposed a fine of $50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13308. Misbranding of canned corn. U. S. v. 200 Cases of Corn. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19916. I. S. No. 15619–v. S. No. E–3949.)

On March 20, 1925, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 cases of corn, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the New Vienna Canning Co., New Vienna, Ohio, alleging that the article had been shipped by the * * * Canning Co., from New Vienna, Ohio, November 28, 1924, and transported from the State of Ohio into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Nun-so-good Brand Evergreen Sugar Corn Contents 1 Lb. 4 Oz. Packed By New Vienna Canning Co. New Vienna, Ohio."

Misbranding of the article was alleged in the libel for the reason that the statement "Contents 1 Lb. 4 Oz.," appearing in the labeling, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 21, 1925, the New Vienna Canning Co., New Vienna, Ohio, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, for repacking, relabeling, use, and disposition pursuant to the law and under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13309. Adulteration of shell eggs. U. S. v. George W. Robertson (W. H. Hicks & Co.). Plea of nolo contendere. Fine, $50 and costs. (F. & D. No. 18360. I. S. No. 4589–v.)

On May 27, 1924, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George W. Robertson, trading as W. H. Hicks & Co., Bristol, Tenn., alleging shipment by said defendant, under the name of S. M. Porter Produce Co., in violation of the food and drugs act, on or about August 14, 1923, from the State of Tennessee into the State of Virginia, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 540 eggs from the consignment showed that 68 eggs, or 12.59 per cent of those examined, were inedible, consisting of black rots, mixed rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On March 9, 1925, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of $50 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13310. Adulteration of butter. U. S. v. 26 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 19872. I. S. No. 23142–v. S. No. C–4664.)

On February 20, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district a libel praying the seizure and condemnation of 26 tubs of butter, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Nelson Creamery Co., from Nelson, Wis., February 14, 1925, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, for the further reason that a substance deficient in milk fat and high in moisture had been substituted wholly or in part for the said article, for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted therefrom, and for the further reason that it contained less than 80 per cent of butterfat.

On March 6, 1925, the Nelson Creamery Co., Nelson, Wis., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be reprocessed under the supervision of this department, so as to contain not less than 80 per cent of butterfat.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13311. Adulteration of canned salmon. U. S. v. 145 Cases, et al., of Canned Salmon. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 18927, 18928, 18941. I. S. Nos. 7770–v, 7771–v, 7772–v, 20227–v. S. Nos. W–1564, W–1565, W–1571.)

On August 26 and September 4, 1924, respectively, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 632 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Year Round (Alaska Year Round Canneries Co., Inc.) and the Cook Inlet Packing Co., from Seldovia, Alaska, in part July 22, 1924, and in part July 29, 1924, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On February 2 and 7, 1925, respectively, the Alaska Year Round Canneries Co., Inc., and the Cook Inlet Packing Co., Seldovia, Alaska, claimants, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $1,310, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department and the bad portion destroyed.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13312. Adulteration and misbranding of jellies. U. S. v. 9 Pails of Blackberry Jelly, et al. Consent decree of condemnation and forfeiture. Products released under bond to be relabeled. (F. & D. No. 19577. I. S. Nos. 20297–v, 20994–v. S. No. W–1630.)

On or about February 11, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 90 pails of jellies, remaining in the original unbroken packages at Seattle, Wash., alleging that the articles had been shipped by the H. C. Long Syrup Co., from San Francisco, Calif., August 28, 1924, and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled in part: "Net Weight 30 Pounds Economy (Compound) Jelly Strawberry" (or "Currant" or "Blackberry") "Flavor * * * Artificially Colored and Flavored. The contents of this package are composed of Corn Syrup and Apple Juice, Alum and Dilute Sulphuric Acid."

Adulteration of the articles was alleged in the libel for the reason that substances, glucose pectin jellies artificially flavored and colored and containing little or no apple juice, had been substituted wholly or in part for the said articles.

Misbranding was alleged for the reason that the statements "(Compound) Jelly Strawberry Flavor" (or "Currant" or "Blackberry"), as the case might be, "and Apple Juice," and "Net Weight 30 Pounds" were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 4, 1925, Fischer Bros. Co., Seattle, Wash., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $250, in conformity with section 10 of the act, conditioned in part that they be relabeled under the supervision of this department.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13313. Adulteration and misbranding of tomato sauce. U. S. v. 275 Cases of Tomato Sauce. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19401. I. S. No. 13385-v. S. No. E-5050.)

On December 23, 1924, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 275 cases of tomato sauce, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Hershel California Fruit Products Co., from San Francisco, Calif., on or about October 22, 1924, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Naples Style Tomato Sauce * * * Contadina Brand With Basil * * * Packed by Hershel Cal. Fruit Prod. Co. San Jose, Cal. Packers Of Contadina Brand."

Adulteration of the article was alleged in the libel for the reason that a substance, artificially colored tomato paste, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Naples Style Tomato Sauce" and equivalent statement in Italian, appearing on the labels, together with failure to declare artificial color, was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On April 9, 1925, Achilles Angelicola, a member of the partnership of the Union Food Products Co., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $2,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department, so as to bear the statement "Artificially Colored" in conspicuous places on the labels.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13314. Misbranding of Sanita. U. S. v. 10 Boxes of Sanita. Default decree ordering product destroyed. (F. & D. No. 17058. I. S. No. 7968-v. S. No. W-1264.)

On December 22, 1922, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District court of the United States for said district a libel praying the seizure and condemnation of 10 boxes of Sanita, at Tucson, Ariz., alleging that the article had been shipped by the Newer Novelties Co., Los Angeles, Calif., on or about October 23, 1922, and transported from the State of California into the State of Arizona, and charging misbranding in violation of the food and drugs act as amended. The said boxes contained a circular which bore the following statements: "Sanita * * * the most effective agent for the cure of Leucorrhoea * * * Ulceration and Inflammation of the Womb

or Cervix, Painful or suppressed Menstruation, Vaginitis, and to relieve the painful tenderness so frequently following the menses. * * * Weaknesses which manifest themselves by falling of the womb, etc., soon yield to the wonderful curative properties of Sanita."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted essentially of capsules of cocoa butter and tannin, with a trace of boric acid, and was perfumed.

Misbranding of the article was alleged in substance in the libel for the reason that the statements as above set forth, regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed in the said circular.

On May 26, 1923, no claimant having appeared for the property, judgment was entered for the Government, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13315. Adulteration and misbranding of evaporated apples. U. S. v. 35 Cases, et al., of Evaporated Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19941. I. S. Nos. 23208–v, 23209–v, 23210–v. S. No. C–4688.)

On March 27, 1925, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 35 cases, 50 pounds each, and 119 cases, 25 pounds each, of evaporated apples, at Omaha, Nebr., alleging that the article had been shipped by L. S. Town, from North Rose, N. Y., on or about December 4, 1924, and transported from the State of New York into the State of Nebraska, and charging adulteration and misbranding in violation of the food and drugs act as amended. The 50-pound cases and a portion of the 25-pound cases were labeled in part: "New York Choice Evaporated Apples Packed by L. S. Town, Rose, Wayne Co., New York." The remainder of the product was labeled in part: "25 Pounds Fancy Evaporated Apples King Brand."

Adulteration of the article was alleged in the libel for the reason that a substance containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Evaporated Apples" was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article. Misbranding was alleged with respect to the portion labeled "Choice" for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 24, 1925, L. S. Town, North Rose, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment of the court was entered, finding the product adulterated and misbranded and ordering its release to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that its moisture content be reduced within the legal limits.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13316. Adulteration and misbranding of canned sugar corn and canned sweet corn. U. S. v. 1,000 Cases of Sugar Corn, et al. Decrees of condemnation and forfeiture. Products released under bond. (F. & D. No. 19432. I. S. Nos. 17111–v, 17112–v. S. No. E–5080.)

On December 26, 1924, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,000 cases of sugar corn and 1,000 cases of sweet corn, remaining in the original unbroken packages at Philadelphia, Pa., consigned by William Numsen & Sons, Inc., Asbestos, Md., alleging that the articles had been shipped from Baltimore, Md., on or about October 18, 1924, and October 24, 1924, respectively, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration and mis-

branding in violation of the food and drugs act. The articles were labeled in part, respectively: (Can) "Derby Brand Sugar Corn Distributed By Wm. Numsen & Sons, Incorporated * * * Baltimore, Md.," and "Farm Queen Brand Packed By Wm. Numsen & Sons Inc. Baltimore, Md. Sweet Corn."

Adulteration of the articles was alleged in the libels for the reason that excessive brine had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said articles.

Misbranding was alleged in substance for the reason that the cans enclosing the respective articles contained labels bearing the statements "Sugar Corn" and "Sweet Corn," which were false and misleading, in that the said statements represented that the said cans contained sugar corn or sweet corn, as the case might be, when in fact they did not.

On April 30, 1925, Newman Numsen having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $2,100, in conformity with section 10 of the act, conditioned in part that they be relabeled in accordance with the ruling of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13317. Misbranding of Dr. J. S. Rose's whooping cough remedy. U. S. v. 16 Bottles of Dr. J. S. Rose's Whooping Cough Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19906. S. No. E–5154.)

On March 18, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 16 bottles of Dr. J. S. Rose's whooping cough remedy, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by Aschenbach & Miller, Inc., from Philadelphia, Pa., on or about May 15 and August 22, 1924, and transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained sirup, potassium nitrate, arsenic, and a cyanide.

Misbranding of the article was alleged in the libel for the reason that the following statements, borne on the carton and bottle containing the said article, regarding its curative and therapeutic effect, to wit: (Carton) "Whooping Cough Remedy * * * Symptoms of Whooping Cough It comes on with a slight cough gradually increasing until the patient is almost suffocated; the eyes swell and sometimes the whole face, the nose runs, there is more or less fever and each spell of coughing ends in vomiting, which produces a short respite from suffering, or perfect and complete intermission from all symptoms. * * * Whooping Cough—What is it Physicians have unanimously come to the conclusion that Whooping Cough is not only clearly spasmodic, but may, if neglected, often run into other diseases—as Chronic Inflammation of the Lungs, Consumption and often Dropsy of the Chest. These terminations of the disease, however, they all admit, are only possible when badly treated or left to itself——believing it must run the course of many months, and which it unfortunately often does, if treated in the ordinary way. Discovering early in my practice the disease thus maltreated or misunderstood, I determined to study its Pathology, or nature, and having discovered this, I invented this Compound, since which time I have seldom seen a case last over one or two weeks—relieving after the first day (producing marked improvement) and leaving no bad effect from the disease. * * * In Whooping Cough it is not only necessary to use medicine that will cause expectoration, but it must also remove spasm of the air-cells, and be Tonic in its nature to prevent the frequent returns and long continuation of coughing. Therefore, having always relieved the spasms of Whooping Cough with this Remedy, we most strongly recommend it to all who have now, or may have hereafter, Whooping Cough." (bottle) "Whooping Cough Remedy," were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effect claimed.

On April 23, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13318. Adulteration of canned cherries. U. S. v. 17 Cartons and 36 Cartons of Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19909. I. S. Nos. 16325–v, 16376–v. S. No. E–5186.)

On March 18, 1925, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 53 cartons of canned cherries, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by S. E. Comstock & Co., from Fairport, N. Y., on or about November 15, 1924, and transported from the State of New York into the State of Georgia, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Orchard Farm Brand Red Sour Pitted Cherries * * * Guaranteed And Distributed By Mt. Morris Canning Co. Mt. Morris, N. Y." The remainder of the said article was labeled in part: (Can) "Sweet Violet Brand Red Sour Pitted Cherries * * * Guaranteed And Distributed By Finger Lakes Canning Co., Inc. Penn Yan, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On April 28, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13319. Alleged misbranding of butter. U. S. v. Monotti-Larimer. Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 18579. I. S. No. 11728–v.)

On June 27, 1924, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Monotti-Larimer, a corporation, San Francisco, Calif., alleging shipment by said company, in violation of the food and drugs act as amended, on or about February 5, 1924, from the State of California to the Territory of Hawaii, of a quantity of butter which was alleged to be misbranded. The article was labeled in part: (Package) "Gold Medal Brand Pasteurized Butter * * * Monotti-Larimer, Distributors Net Contents 1 Lb."

Examination by the Bureau of Chemistry of this department of 294 packages from the consignment showed that the average net weight of the packages examined was 15.77 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents 1 Lb.," borne on the packages containing the said article, was false and misleading, in that it represented that each of said packages contained 1 pound net of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound net of butter, whereas each of said packages did not contain 1 pound net of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 18, 1925, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel, the court delivered the following instructions to the jury (St. Sure, *D. J.*):

"GENTLEMEN OF THE JURY: I will try and be as brief as possible in my instructions to you. You have sat upon juries here in several cases and you have heard me from time to time deliver instructions upon various matters of law which it is my duty to give to you. It may be that you are already familiar with most of the principles of law which govern in cases of this kind.

"I have pointed out to you, I think, and it becomes my duty to do so again, that you are the exclusive judges of the facts. The court is to pass upon the law in the case and to give to you such rules of law as it deems proper for your

guidance. You are to accept the law as given to you by the court. You must not decide this case upon any preconceived notions you may have of the law, or what you think the law should be. It is my duty, as I have said, to give you the law. It is my duty to pass upon questions of law that may arise during the trial of the case. Now, if I make a mistake in ruling upon the law during the trial of the case, or if I make a mistake in giving you instructions, those mistakes of mine may be corrected in another tribunal. If you make a mistake, however, in your verdict, by reason of the fact that you go off on some preconceived idea that you have of what the law should be or what it is, why, that mistake can not be corrected. So you see it is quite important that you observe the rule that you judge only the facts of the case, and that you take the law from the court.

"The information in this case, as you have heard, charges the defendant corporation with violating an act of Congress known as the food and drugs act. Briefly, the defendant is charged in the first count with shipping and delivering for shipment a certain lot of butter which was misbranded. The second count charges that in violation of said act an article of food was shipped and delivered and misbranded by the defendant, in that the contents was not plainly and conspicuously marked on the outside of the package. In the information there is also a charge that this defendant has heretofore been convicted of a charge of violating this act.

"As to the charges in the indictment or information it is the duty of the Government to prove each and every element of the charges against the defendant beyond and to the exclusion of a reasonable doubt. The fact that it appears from the evidence that the defendant has been heretofore convicted of a violation of this food and drugs act should not be considered by you in determining the innocence or guilt of the defendant. You should bear in mind that the defendant here is charged with a violation of the act by shipment of butter from San Francisco to Honolulu, on February 5, 1924, which was underweight, and on that charge alone you are to determine the innocence or guilt of the defendant in this case. The indictment is a mere formal accusation against the defendant and is no evidence of its guilt.

"The burden of proof rests, of course, upon the Government, and, as I have stated, the burden is upon the Government to prove to your satisfaction and beyond or to the exclusion of a reasonable doubt every material element in the case. The defendant is not required to prove his innocence. Every person is presumed to be innocent when charged with a crime. That presumption remains with the defendant throughout the entire trial of the case and goes with the defendant into the jury room with you and remains a part of the case until you arrive at your verdict finding that the defendant is guilty.

"The plea of not guilty entered by the defendant in this case puts in issue every allegation of the information. You must not convict upon mere suspicion, no matter how great that suspicion may be in your minds. You must not convict upon mere conjecture, nor mere probability, but only upon the evidence and all of the evidence in the case, and you must find that that evidence makes the defendant guilty beyond and to the exclusion of a reasonable doubt.

"Now, I have used the words 'reasonable doubt' several times during my charge to you. It is difficult to define just exactly what reasonable doubt means. It is a substantial doubt, that is to say, it is something that is founded upon reason. And I may say to you, as an illustration, that it is a doubt which you are not permitted to base upon mere fancy or mere whim or conjecture or sympathy or because you may not approve of the law or something of that kind. It is something more substantial than that—a doubt which must satisfy a reasonable mind after a full comparison and consideration of all the evidence; a substantial doubt arising from insufficiency of the evidence, not a mere possibility or probability of innocence.

"If two inferences can be drawn from a given act or circumstance, or from a number of given acts or circumstances, one inference being that of guilt and the other that of innocence, it is your duty to draw the inference of innocence and not that of guilt. And I may say that the defendant is clothed with the presumption of good character.

"Now, you are the exclusive judges of the evidence in the case, and you may judge the credibility of a witness by the manner in which he testifies, by his means of knowledge, by his interest in the case, taking into consideration any fact or circumstance that may throw any light upon the case, so long as that fact or circumstance has arisen during the trial of the case. You are to

try this case upon the evidence adduced here in this court room at the trial, and not from any evidence you may have obtained on the outside or anywhere else.

"If you find from all the evidence that the shipment of butter when it left its place of business was full weight and the shortage, if any, was due to the physical condition of the butter and beyond the control of the defendant, you should of course acquit the defendant. If you find from all of the evidence that the statement upon the packages of butter 'Net contents One Pound' was not labeled so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound net of the article but the shortage, if any, was the result of inaccuracy beyond the control of the defendant, you must acquit the defendant.

"Now, your verdict should not be made or should not be based upon any single fact in this case, you must understand. You must arrive at your verdict upon a consideration of all of the facts in the case, all of the facts taken together by you and considered and weighed in a dispassionate manner, and you should bring to the trial of this case and to the consideration of the case the same common sense and good judgment that you use in everyday affairs of your business.

"Now, gentlemen of the jury, when you are in the jury room you will select one of your number as foreman. When you have agreed upon a verdict the foreman will sign the verdict, and you will be returned into court where you may deliver your verdict. Remember, of course, that your verdict must be unanimous. You may now retire."

The jury then retired and after due deliberation returned a verdict of not guilty.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13320. Adulteration of shell eggs. U. S. v. Charles Sanders. Plea of guilty. Fine, $5. (F. & D. No. 17603. I. S. No. 7595–v.)

On August 21, 1923, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles Sanders, Wellfleet, Nebr., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 23, 1922, from the State of Nebraska into the State of Colorado, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 1,260 eggs from the consignment showed that 174, or 13.8 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On July 7, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $5.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13321. Adulteration and misbranding of morphine sulphate tablets, strychnine sulphate tablets, and codeine sulphate tablets. U. S. v. Western Chemical Co., Inc. Plea of guilty. Fine, $60. (F. & D. No. 19285. I. S. Nos. 5727–v, 19616–v, 19619–v, 19623–v, 19624–v, 19625–v.)

On April 11, 1925, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Western Chemical Co., Inc., a corporation, trading at Hutchinson, Minn., alleging shipment by said company, in violation of the food and drugs act, on or about February 12, 1924, and April 1, 1924, respectively, from the State of Minnesota into the State of South Dakota, of quantities of morphine sulphate tablets, strychnine sulphate tablets, and codeine sulphate tablets which were adulterated and misbranded. The articles were labeled in part, respectively: "Soluble Hypodermic Tablets Morphine Sulphate ¼ Gr."; "Tablet Triturates Morphine Sulphate ¼ Gr."; "Tablet Triturates Strychnine Sulphate $\frac{1}{30}$ Gr."; "Soluble Hypodermic Tablets Strychnine Sulphate $\frac{1}{30}$ Gr."; "Tablet Triturates Codeine Sulphate ¼ Gr.; Tablet Triturates Codeine Sulphate ½ Gr.," and bore the further statement "Western Chemical Co. Inc. Hutchinson, Minn."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that: The two consignments of morphine sulphate tablets, labeled "¼ Gr.," averaged not more than 0.2031 grain and 0.2174 grain, respectively,

of morphine sulphate to each tablet; the strychnine sulphate tablets labeled "$\frac{1}{60}$ Gr." averaged not more than 0.0101 grain of strychnine sulphate to each tablet, those labeled "$\frac{1}{30}$ Gr." averaged not more than 0.0285 grain of strychnine sulphate to each tablet; the codeine sulphate tablets labeled "¼ Gr." averaged not more than 0.209 grain of codeine sulphate to each tablet, and those labeled "½ Gr." averaged not more than 0.378 grain of codeine sulphate to each tablet.

Adulteration of the articles was alleged in substance in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold.

Misbranding was alleged in substance for the reason that the statements "Tablets Morphine Sulphate ¼ Gr.," "Tablet Triturates Morphine Sulphate ¼ Gr.," "Tablet Triturates Strychnine Sulphate $\frac{1}{60}$ Gr.," "Tablet Strychnine Sulphate $\frac{1}{30}$ Gr.," "Tablet Triturates Codeine Sulphate ¼ Gr.," and "Tablet Triturates Codeine Sulphate ½ Gr.," borne on the labels attached to the bottles containing the respective articles, were false and misleading, in that the said statements represented that the tablets contained the amounts of the respective articles declared on the labels, whereas, in truth and in fact, the said tablets contained less amounts.

On April 14, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $60.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13322. Adulteration of oranges. U. S. v. 200 Cases and 400 Cases of Oranges. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19816. I. S. Nos. 21111–v, 21113–v. S. No. W–1646.)

On February 21, 1925, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 600 cases of oranges, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the California Fruit Growers Exchange, from Wilmington, Calif., February 4, 1925, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: "Blue Bowl Brand Redlands Heights Growers, Inc., Redlands, Calif." The remainder was labeled in part: "W. Navels Redlands Pride Bryn Mawr Fruit Growers Assn. Redlands San Bernardino Co., Calif."

Adulteration of the article was alleged in the libel for the reason that a substance, an inedible product, had been substituted wholly or in part for normal oranges of good commercial quality.

On February 28, 1925, the California Fruit Growers Exchange, Portland, Oreg., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be used in the manufacture of marmalade.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13323. Adulteration of canned salmon. U. S. v. 240 Cases of Salmon. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17360. I. S. No. 5870–v. S. No. C–3915.)

On March 13, 1923, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 240 cases of salmon, at Fort Worth, Tex., alleging that the article had been shipped from Prince Rupert, British Columbia, Canada, on or about October 12, 1922, and transported from a foreign country into the United States, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Blanchard Brand Alaska Pink Salmon Packed By Beauclaire Packing Co. Port Beauclerc, Alaska."

It was alleged in substance in the libel that the article was adulterated in violation of section 7 of the said act, in that it was decomposed.

On April 13, 1925, the Beauclaire Packing Co., Port Beauclerc, Alaska, having appeared as claimant for the property and having admitted the allegations

of the libel, judgment of condemnation was entered, and it was ordered by the court that the product be delivered to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be reconditioned under the supervision of this department and the good portion released.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13324. Misbranding of cottonseed meal. U. S. v. Eastern Cotton Oil Co. Plea of guilty. Fine, $220. (F. & D. No. 18577. I. S. Nos. 2798–v, 13701–v, 15840–v, 15842–v, 15843–v, 15847–v, 15878–v, 15879–v, 10590–v, 13702–v, 13707–v, 15841–v, 15846–v, 15848–v, 15850–v, 13704–v.)

On December 15, 1924, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Eastern Cotton Oil Co., a corporation, Edenton, N. C., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, between the dates of October 30, 1923, and November 19, 1923, from the State of North Carolina into the States of Pennsylvania, Delaware, and Maryland, respectively, of quantities of cottonseed meal which was misbranded. The article was labeled, variously, in part: "Perfection Cotton Seed Meal 100 Lbs. Net Manufactured By Eastern Cotton Oil Company * * * Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00% * * * Fibre not more than 10.00%" and "100 lbs. Net Monarch Brand * * * Prime Cotton Seed Meal * * * Guaranteed Analysis Protein (minimum) 43.00% * * * Crude Fibre (maximum) 10.00%."

Analyses of samples of the Monarch brand meal by the Bureau of Chemistry of this department showed 39.75 per cent of protein and 12.60 per cent of crude fiber. Analyses of samples of the Perfection brand meal by said bureau showed that it contained from 38.25 per cent to 40.44 per cent of protein, from 7.44 per cent to 7.86 per cent of ammonia, and from 10.42 per cent to 12.54 per cent of crude fiber. Examination by said bureau of the Perfection brand meal showed that the sacks in certain of the consignments contained less than 100 pounds of the article.

Misbranding of the article was alleged in the information for the reason that the statements borne on the tags attached to the sacks containing the article, namely, "Protein not less than 41.00% Equivalent to Ammonia 8.00% Fibre not more than 10.00%," with respect to the Perfection brand meal, the statements "100 Lbs. Net," with respect to a portion of the Perfection brand meal, and "Guaranteed Analysis Protein (minimum) 43.00% Crude Fibre (maximum) 10.00%," with respect to the Monarch brand meal, were false and misleading, in that they represented that the Perfection brand meal contained not less than 41 per cent of protein, equivalent to 8 per cent of ammonia, and not more than 10 per cent of crude fiber, and that the sacks containing a portion of the Perfection brand meal contained not less than 100 pounds net thereof, and that the Monarch brand meal contained not less than 43 per cent of protein and not more than 10 per cent of crude fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the Perfection brand meal contained not less than 41 per cent of protein, equivalent to 8 per cent of ammonia, and not more than 10 per cent of crude fiber, that the sacks containing the said portion of the Perfection brand meal contained not less than 100 pounds net thereof, and that the Monarch brand meal contained not less than 43 per cent of protein and not more than 10 per cent of crude fiber, whereas the said Perfection brand meal contained less than 41 per cent of protein, less than the equivalent of 8 per cent of ammonia, and more than 10 per cent of crude fiber, and the sacks containing the said portion of the Perfection brand meal contained less than 100 pounds net thereof, and the Monarch brand meal contained less than 43 per cent of protein and more than 10 per cent of crude fiber. Misbranding was alleged with respect to the said portion of the Perfection brand meal for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 13, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $220.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13325. Adulteration and misbranding of tomato sauce. U. S. v. 50 Cases of Tomato Sauce. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19369. I. S. No. 13316–v. S. No. E–5045.)

On December 8, 1924, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 cases of tomato sauce, at Jersey City, N. J., alleging that the article had been shipped by the Greco Canning Co., San Francisco, Calif., on or about November 7, 1924, and transported from the State of California into the State of New Jersey, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "De-Luxe Brand Concentrated Tomato Sauce Packed By Greco Canning Co. San Jose * * * Cal."

Adulteration of the article was alleged in the libel for the reason that a substance, an artificially colored tomato sauce, had been substituted wholly or in part for the said article.

It was further alleged in the libel that the article was misbranded, in that the failure to declare the presence of artificial color was false and misleading and deceived and misled the purchaser.

On February 18, 1925, the Greco Canning Co., San Jose, Calif., having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product by released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department by pasting a sticker bearing the words "Artificially Colored" on both panels of the can label.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13326. Adulteration and misbranding of codeine phosphate tablets, codeine sulphate tablets, morphine sulphate tablets, and strychnine sulphate tablets. U. S. v. the Tilden Co. Plea of guilty. Fine, $500. (F. & D. No. 19008. I. S. Nos. 5323–v, 7352–v, 7356–v, 18106–v, 18107–v.)

On January 7, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Tilden Co., a corporation, trading at St. Louis, Mo., alleging shipment by said company, in violation of the food and drugs act, on or about October 23, 1923, from the State of Missouri into the State of Kansas, of a quantity of codeine phosphate tablets, on or about November 15, 1923, from the State of Missouri into the State of Louisiana, of quantities of codeine sulphate tablets and of strychnine sulphate tablets, and on or about December 4, 1923, from the State of Missouri into the State of Ohio, of quantities of morphine sulphate tablets and codeine sulphate tablets, respectively, which were adulterated and misbranded. The respective articles were labeled in part: "H. T. Codeine Phosphate 1–2 Gr."; "Hypodermic Tablets Codeine Sulphate 1–2 Gr."; "Hypodermic Tablets Morphine Sulphate 1–2 Gr."; or "Tablet Triturates Strychnine Sulphate 1–30 Gr.," as the case might be, and "Manufactured by The Tilden Co. Pharmacists-Chemists New Lebanon, N. Y. St. Louis, Mo."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that: The two consignments of codeine sulphate tablets contained averages of not more than 0.396 grain and 0.401 grain of codeine sulphate each; the morphine sulphate tablets examined contained an average of not more than 0.356 grain of morphine sulphate each, the strychnine sulphate tablets examined contained an average of not more than 0.0291 grain of strychnine sulphate each, and the alleged codeine phosphate tablets examined contained no codeine phosphate but did contain an average of not more than 0.39 grain of codeine sulphate each.

Adulteration of the articles was alleged in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold.

Misbranding was alleged for the reason that the respective statements, to wit, "H. T. Codeine Phosphate 1–2 Gr.," "100 Hypodermic Tablets Codeine Sulphate 1–2 Gr.," "100 Hypodermic Tablets Morphine Sulphate 1–2 Gr.," "100 Tablet Triturates Strychnine Sulphate 1–30 Gr.," borne on the labels of the bottles containing the articles, were false and misleading, since the said state-

ments represented that each of the said tablets contained the amount of the article declared on the label, whereas the alleged codeine phosphate tablets contained no codeine phosphate but did contain codeine sulphate, and the remaining tablets contained less of the respective products than declared on the labels. Misbranding was alleged with respect to the alleged codeine phosphate tablets for the further reason that it was an imitation of and was offered for sale under the name of another article, codeine phosphate tablets.

On March 3, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $500.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13327. Adulteration of Manchurian walnuts. U. S. v. 196 Sacks of Manchurian Walnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 730–c. I. S. No. 11608–v. S. No. W–1439.)

On or about October 10, 1923, the United States attorney for the Southern District of California, acting upon a report by an official of the State of California, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 196 sacks of Manchurian walnuts, remaining in the original unbroken packages at Los Angeles, Calif., alleging that the article had been shipped from New York, N. Y., on or about August 31, 1923, and transported from the State of New York into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole and in part of a filthy, decomposed, and putrid animal and vegetable substance, in that the said nuts were wormy, webby, rancid, and rotten.

On October 29, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13328. Adulteration of prunes and fish. U. S. v. Antonio Sesso. Plea of guilty. Fine, $20. (F. & D. No. 745–c.)

On November 19, 1924, the United States attorney for the District of Columbia filed in the police court of said district an information against Antonio Sesso, Washington, D. C., alleging that on November 14, 1924, the said defendant did offer for sale and sell in the District of Columbia, in violation of the food and drugs act, a quantity of prunes and fish which were adulterated.

It was alleged in the information that the articles were filthy, in that they contained worms.

On November 19, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $20.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13329. Adulteration of beef. U. S. v. Isreal Finkerstein. Collateral of $25 forfeited. (F. & D. No. 734–c.)

On June 5, 1924, the United States attorney for the District of Columbia, acting upon a report by a health officer of said district, filed in the police court of the District of Columbia, holding a district court, an information against Isreal Finkerstein, Washington, D. C., alleging that on June 3, 1924, the said defendant did offer for sale and sell in the District of Columbia, in violation of the food and drugs act, a quantity of beef which was adulterated.

It was alleged in the information that the article was unfit for food in that it was decomposed.

On June 6, 1924, the defendant having failed to enter an appearance, the $25 collateral which had been deposited by him to insure his appearance was declared forfeited by the court.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13330. Adulteration and misbranding of canned oysters. U. S. v. 698 Cases of Bull Head Brand Oysters. Consent decree of condemnation. Product released under bond. (F. & D. Nos. 20003 to 20007, incl. I. S. Nos. 14691–v to 14695–v, incl. S. No. C–4708.)

On or about April 16, 1925, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 698 cases of oysters, remaining in the original

unbroken packages at Nashville, Tenn., alleging that the article had been shipped by the Biloxi Canning Co., Biloxi, Miss., on or about January 11, 1925, and transported from the State of Mississippi into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Bull Head Brand Oysters Net Weight * * * 5 Ounces."

Adulteration of the article was alleged in the libel for the reason that a substance, water or brine, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Net Weight * * * 5 Ounces," borne on the labels, was false and misled the purchaser, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On or about April 27, 1925, the Biloxi Canning Co., Biloxi, Miss., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $4,000, in conformity with section 10 of the act, conditioned in part that it be relabeled and brought into compliance with the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13331. Adulteration of frozen mixed eggs. U. S. v. 66 Cans of Frozen Mixed Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18504. I. S. No. 13145–v. S. No. E–4784.)

On March 20, 1924, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 66 cans of frozen mixed eggs, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the Omaha Cold Storage Co., from Omaha, Nebr., on or about November 19, 1923, and transported from the State of Nebraska into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On April 29, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13332. Adulteration of shell eggs. U. S. v. Jasper Leland Warren. Plea of guilty. Fine, $10. (F. & D. No. 18312. I. S. No. 8506–v.)

On April 5, 1924, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jasper Leland Warren, trading as the Warren Produce Co., Benkelman, Nebr., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 22, 1923, from the State of Nebraska into the State of Colorado, of a quantity of shell eggs which were adulterated. The article was labeled in part: (Tag) "From Warren Produce Company J. Leland Warren, Prop. Benkelman, Nebraska."

Examination by the Bureau of Chemistry of this department of 1,980 eggs from the consignment showed that 137, or 6.91 per cent of those examined, were inedible eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and putrid and decomposed animal substance.

On March 2, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of $10.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13333. Misbranding of canned corn. U. S. v. 78 Dozen Cans of Canned Corn. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19915. I. S. No. 23242–v. S. No. C–4683.)

On or about March 25, 1925, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying

the seizure and condemnation of 78 dozen (1,781 dozen) cans of canned corn, at Little Rock, Ark., alleging that the article had been shipped by the New Vienna Canning Co., New Vienna, Ohio, on or about January 12, 1925, and transported from the State of Ohio into the State of Arkansas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Maple Sweet Brand Evergreen Sugar Corn Contents 1 Lb. 4 Oz. * * * Packed By New Vienna Canning Co. New Vienna, Ohio."

Misbranding of the article was alleged in the libel for the reason that the statement "Contents 1 Lb. 4 Oz.," borne on the labels, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 6, 1925, the American Grocer Co., Little Rock, Ark., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $100, in conformity with section 10 of the act, conditioned in part that the product be relabeled.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13334. Misbranding of cottonseed cake and cottonseed meal. U. S. v. 185 Sacks of Cottonseed Cake and 230 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19923. I. S. Nos. 20877–v, 20878–v, 20879–v. S. No. W–1686.)

On March 25, 1925, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 185 sacks of cottonseed cake and 230 sacks of cottonseed meal, remaining in the original unbroken packages at Denver, Colo., consigned by the Hobart Cotton Oil Mill, Hobart, Okla., alleging that the articles had been shipped from Hobart, Okla., on or about March 4, 1925, and transported from the State of Oklahoma into the State of Colorado, and charging misbranding in violation of the food and drugs act. The articles were labeled in part: "Chickasha Prime Cottonseed * * * Guaranteed Analysis Protein, not less than 43 per cent * * * Chickasha Cotton Oil * * * Chickasha, Oklahoma."

Misbranding of the articles was alleged in the libel for the reason that the statement "Protein, not less than 43 per cent," borne on the labels, was false and misleading and deceived and misled the purchaser, in that the products did not contain 43 per cent of protein.

On April 6, 1925, the Chickasha Cotton Oil Co., Chickasha, Okla., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13335. Adulteration of canned salmon. U. S. v. Pillar Rock Packing Co. Plea of guilty. Fine, $150. (F. & D. No. 19599. I. S. Nos. 21027–v, 21037–v.)

On March 28, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Pillar Rock Packing Co., a corporation, Pillar Rock, Wash., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about January 8, 1924, and October 16, 1924, respectively, from the State of Washington into the State of Oregon, of quantities of canned salmon which was adulterated. The article was labeled in part: (Can) "Pillar Rock Brand Columbia River * * * Salmon."

Examination by the Bureau of Chemistry of this department of 113 cans from the consignment of January 8, 1924, showed that 35.3 per cent of the cans examined contained decomposed fish. Examination by said bureau of 72 cans from the remaining consignment showed that 20.8 per cent of the cans examined contained decomposed fish.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On April 27, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $150.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13336. Misbranding of butter. U. S. v. 5 Cases of Butter. Product ordered released under bond. (F. & D. Nos. 19874, 19875, 19876. I. S. No. 3563–v. S. No. E–5164.)

On or about March 12, 1925, the United States attorney for the District of Porto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 cases of butter, remaining in the original unbroken packages at San Juan, P. R., alleging that the article had been shipped by the Texas Creamery Co., Houston, Tex., on or about January 27, 1925, and transported from the State of Texas into the Territory of Porto Rico, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Extra Fancy Morning Glory Creamery Butter Texas Creamery Co., Houston, Tex * * * One Pound Net."

Misbranding of the article was alleged in the libel for the reason that the statement "One Pound Net," appearing in the labeling, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On April 20, 1925, the Texas Creamery Co., Houston, Tex., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of the court was entered, ordering that the claimant pay the costs of the proceedings and that the product be released to the said claimant upon the execution of a bond in the sum of $150, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13337. Adulteration of mustard seed. U. S. v. 411 Pounds and 2 Sacks of Mustard Seed. Consent decrees of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. Nos. 19149, 19367. I. S. Nos. 19783–v, 21832–v. S. Nos. C–4531, C–4553.)

On November 12 and December 6, 1924, respectively, the United States attorney for the Western District of Kentucky, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 411 pounds and 2 sacks, containing 437 pounds, of mustard seed, remaining in the original packages at Louisville, Ky., consigned by the Widlar Co., Cleveland, Ohio, in part October 21, 1924, and in part November 5, 1924, alleging that the article had been shipped from Cleveland, Ohio, and transported from the State of Ohio into the State of Kentucky, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "The Widlar Co., Cleveland, Ohio."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid vegetable substance.

On April 11 and May 1, 1925, respectively, the Widlar Co., Cleveland, Ohio, having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $116, in conformity with section 10 of the act, conditioned in part that the said product be properly reconditioned.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13338. Adulteration of canned sardines. U. S. v. 250 Cases, et al., of Sardines. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 19481, 19482, 19483, 19503. I. S. Nos. 22926–v, 22928–v. S. Nos. C–4593, C–4594.)

On January 10 and 13, 1925, respectively, the United States attorney for the Eastern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 893 cases of sardines, remaining in

the original unbroken packages at Beaumont, Tex., alleging that the article had been shipped by L. D. Clark & Son, in part from Eastport, Me., and in part from St. Andrews, N. B., on or about July 19 and November 12, 1924, respectively, and transported from the States of Maine and New Brunswick, respectively, into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Banquet Brand American Sardines In Cottonseed Oil Packed At Eastport, Washington Co., Me., By L. D. Clark & Son."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 7 and 10, 1925, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13339. Adulteration of butter. U. S. v. 2 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19862. I. S. No. 21100–v. S. No. W–1674.)

On February 13, 1925, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 cubes of butter, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Caldwell Creamery Co., from Caldwell, Idaho, on or about January 31, 1925, and transported from the State of Idaho into the State of Oregon, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat had been mixed and packed with and substituted wholly or in part for the said article and for the further reason that a valuable constituent, namely, milk fat, had been in part abstracted.

At the March, 1925, term of court the Corvallis Creamery Co., Portland, Oreg., having entered an appearence as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the cost of the proceedings and the execution of a bond in the sum of $100, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until reworked to the satisfaction of this department and so as to conform to the United States standard for butter.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13340. Adulteration and misbranding of butter. U. S. v. 60 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reworked. (F. & D. No. 20016. I. S. No. 13848–v. S. No. E–5279.)

On April 7, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 60 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Farmer's Coop. Creamery Co., Delhi, Iowa, on or about March 27, 1925, and transported from the State of Iowa into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article.

On April 22, 1925, the Greeley Farmers Creamery, Greeley, Iowa, claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,500, in conformity with section 10 of the act, conditioned in part that it be reworked and reprocessed.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13341. Misbranding of butter. U. S. v. 22 Cases and 18 Cases of Butter. Product released to be repacked and relabeled. Claimant confesses judgment; costs assessed. (F. & D. No. 18403. I. S. No. 7310–v. S. No. C–4293.)

On February 18, 1924, the United States attorney for the Southern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 40 cases of butter, at Mobile, Ala., alleging that the article had been shipped by Swift & Co., from Enid, Okla., February 7, 1924, and transported from the State of Oklahoma into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended.

Misbranding of the article was alleged in the libel for the reason that the following statement, appearing on the cartons containing the said article, "Swastika Brand Creamery Butter Net Weight 1 Lb." was false, fraudulent, and misleading and deceived the purchaser, in that the net weight of the butter contained in the said cartons was less than 1 pound. Misbranding was alleged for the further reason that the article was food in package form and the net contents thereof was not plainly and conspicuously marked on the outside of the cartons.

On March 6, 1924, an order of the court was entered, providing that the product be delivered to the claimant, Swift & Co., to be repacked and correctly marked with the net contents thereof. On November 7, 1924, the case having come on for final disposition, the costs of the proceedings were assessed against Swift & Co., after confession of judgment had been entered on behalf of said company.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13342. Misbranding of butter. U. S. v. Beatrice Creamery Co. Plea of guilty. Fine, $150. (F. & D. No. 18461. I. S. Nos. 8534–v, 8535–v, 8539–v.)

On June 20, 1924, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Beatrice Creamery Co., a corporation, trading at Pueblo, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about November 27 and 28 and December 5, 1923, respectively, from the State of Colorado into the State of New Mexico, of quantities of butter which was misbranded. The article was labeled in part: (Package) "Pasteurized Meadow-Gold * * * Butter Contents 1 Lb. Net Butter * * * Beatrice Creamery Company. General Office, Chicago, Ill."

Weighings by the Bureau of Chemistry of this department of 20, 90, and 120 samples from the three consignments showed that they averaged 15.71, 15.84, and 15.75 ounces, respectively.

Misbranding of the article was alleged in the information for the reason that the statement "1 Lb. Net," borne on the packages containing the said article, was false and misleading, in that the said statement represented that each of said packages contained 1 pound net of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound net of butter, whereas each of said packages contained less than 1 pound net of butter. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 25, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $150.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13343. Adulteration and misbranding of canned tomatoes. U. S. v. 800 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19206. I. S. No. 13380–v. S. No. E–5030.)

On November 25, 1924, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 800 cases of canned tomatoes, at Albany, N. Y., alleging that the article had been shipped by the J. H. [H. J.] McGrath Co., Baltimore, Md., on or about September 24, 1924, and transported from the State of Maryland into the State of New York, and charging adulteration in

violation of the food and drugs act. The article was labeled in part: (Can) "McGrath's Tomatoes Champion Brand * * * Packed by H. J. McGrath Co. Baltimore, Md."

Adulteration of the article was alleged in the libel for the reason that a substance, water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement and designation "Tomatoes" and cut of a red, ripe tomato, appearing on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was sold under the distinctive name of another article.

On March 13, 1925, the H. J. McGrath Co., Baltimore, Md., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum $3,360, in conformity with section 10 of the act, conditioned that it be relabeled in part: "Champion Brand Tomatoes Contains 15% Added Water."

R. W. Dunlap, *Acting Secretary of Agriculture.*

13344. Adulteration of canned cherries. U. S. v. 99 Cases of Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19527. I. S. No. 19817–v. S. No. C–5002.)

On January 22, 1925, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 99 cases of cherries, remaining in the original unbroken packages at Mansfield, Ohio, alleging that the article had been shipped by Thomas J. Sweet Co., Albion, N. Y., on or about November 10, 1924, and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On March 20, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13345. Adulteration of chestnuts. U. S. v. 15 Barrels of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19564. I. S. 9616–v. S. No. C–4638.)

On February 7, 1925, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 barrels of chestnuts, remaining in the original unbroken packages at Youngstown, Ohio, alleging that the article had been shipped by the Italian Important (Importing) Co., from New York, N. Y., on or about December 24, 1924, and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On March 20, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13346. Misbranding of Foley's kidney pills. U. S. v. 6 Dozen Bottles of Foley's Kidney Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18061. I. S. No. 9218–v. S. No. C–4189.)

On November 14, 1923, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 dozen bottles of Foley's kidney pills, remaining in the original unbroken packages at Cleveland, Ohio, alleging that the article had

been shipped by the Foley Co., Chicago, Ill., on or about October 12, 1923, and transported from the State of Illinois into the State of Ohio, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle, carton, and circular) "Kidney Pills For Irritation," (circular, "Irritations") "of Kidneys and Bladder, for Backache and Rheumatism due to Kidney Disorders," (circular) "Kidneys * * * weakened by disease * * * inflamed and congested * * * In addition to taking Foley Kidney Pills, we offer a few simple, but practical suggestions for the benefit of those having kidney and bladder troubles. 1st—Water should be drunk freely * * * 2nd—The bowels must be kept active * * * 3rd—The diet is of great importance."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of pills containing potassium nitrate, methylene blue, hexamethylene tetramine, and material derived from plant sources, including resin and volatile oil similar to juniper oil, coated with sugar and calcium carbonate.

Misbranding of the article was alleged in the libel for the reason that the above quoted statements regarding the curative and therapeutic effects of the said article were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On May 20, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13347. Adulteration of canned red, sour, pitted cherries. U. S. v. 225 Cases of Red, Sour, Pitted Cherries. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19083. I. S. No. 8992–v. S. No. C–4037.)

On October 23, 1924, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 225 cases of red, sour, pitted cherries, remaining in the original packages at Lexington, Ky., consigned by Lyndonville Canning Co., on or about August 15, 1924, alleging that the article had been shipped from Lyndonville, N. Y., and transported from the State of New York into the State of Kentucky, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Lyndonville Brand Red Sour Pitted Cherries * * * Lyndonville Canning Company, Inc. Lyndonville, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 9, 1925, the Lyndonville Canning Co., Inc., Lyndonville, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until separated, repacked, and recanned.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13348. Adulteration and misbranding of bleached oats. U. S. v. 250 Sacks of Sulphur Bleached Oats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18786. I. S. No. 18813–v. S. No. C–4416.)

On or about June 21, 1924, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 250 sacks of bleached oats, remaining in the original packages at Jackson, Tenn., alleging that the article had been shipped by Thistlewood & Co., from Cairo, Ill., on or about June 7, 1924, and transported from the State of Illinois into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Crescent Brand Sample Oats Sulphur Bleached."

Adulteration of the article was alleged in the libel for the reason that wild oats, rye, traces of corn and barley, shriveled and unthreshed wheat, weed

seeds and stems had been mixed and packed with the said article so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the designation "Sample Oats" was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 28, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13349. Adulteration and misbranding of butter. U. S. v. 12 Tubs and 10 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond to be reprocessed. (F. & D. No. 20019. I. S. No. 13612–v. S. No. E–5278.)

On April 7, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 22 tubs of butter, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the McDougall Terminal Warehouse Co., Duluth, Minn., on or about March 27, 1925, and transported from the State of Minnesota into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat and containing excessive moisture had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted in whole or in part for the said article.

Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On April 28, 1925, the Fox River Butter Co., Inc., New York, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $660, in conformity with section 10 of the act, conditioned in part that it be reprocessed so as to contain at least 80 per cent of butterfat.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13350. Adulteration and misbranding of canned corn. U. S. v. 99 Cases of Canned Corn. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19982. I. S. No. 23930–v. S. No. C–4707.)

On April 9, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 99 cases of canned corn, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by John M. Leslie & Co., from London, Ohio, December 17, 1924, and transported from the State of Ohio into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Oak Run Sugar Corn * * * Packed By London Canning Company London, Ohio."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, field corn, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Sugar Corn," appearing on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On May 6, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 13301 TO 13350

[1] Contains instructions to the jury.

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1925

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 13351–13400

[Approved by the Acting Secretary of Agriculture, Washington, D. C., July 27, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

13351. Adulteration of canned goods. U. S. v. Milliken, Tomlinson Co. Plea of nolo contendere. Fine, $25. (F. & D. No. 18584. I. S. No. 1962–v.)

On September 23, 1924, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Milliken, Tomlinson Co., a corporation, Portland, Me., alleging shipment by said company, in violation of the food and drugs act, on or about November 20, 1923, from the State of Maine into the State of Massachusetts, of a quantity of canned goods which was adulterated. A portion of the article was labeled in part: "Superba Brand Loganberries" (or "Superba Brand Plum Preserves") "Milliken, Tomlinson Co. Distributors, Portland, Me." A portion of the cans were labeled in part: "Pure Cranberry Preserves"; the remainder of the said cans bore no label.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the cans examined were hard swells or leakers, and the contents of said cans were found to consist of a filthy mass, covered with mold and with a pronounced sour odor.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and putrid and decomposed vegetable substance.

On April 21, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

C. F. Marvin, *Acting Secretary of Agriculture.*

13352. Misbranding of cottonseed meal and cottonseed cake. U. S. v. 125 Sacks of Cottonseed Meal, et al. Decree adjudging product mislabeled and ordering its release under bond. (F. & D. No. 19573. I. S. Nos. 20861–v, 20862–v, 20863–v. S. No. W–1637.)

On February 12, 1925, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 125 sacks of cottonseed meal and 255 sacks of cottonseed cake, remaining in the original unbroken packages at Denver, Colo., consigned by the Quanah Cotton Oil Co., Quanah, Tex., alleging that the articles had been shipped from Quanah, Tex., on or about January 17, 1925, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The articles were labeled in part: "43% Protein Cottonseed * * * Prime Quality Manufactured by Quanah Cotton Oil Company Quanah, Texas Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent * * * Crude Fiber not more than 12.00 Per Cent."

Misbranding of the articles was alleged in the libel for the reason that the statements "Crude Protein not less than 43.00 Per Cent," "43% Protein," and "Fiber not more than 12.00 Per Cent," appearing on the labels, were false and misleading and deceived and misled the purchaser, since the products did not contain 43 per cent of protein and did contain more than 12 per cent of fiber.

On March 5, 1925, the Quanah Cotton Oil Co., Quanah, Tex., having appeared as claimant for the property, judgment of the court was entered, finding the products mislabeled, and it was ordered by the court that the said products be released to the said claimant to be relabeled upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,200, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13353. Misbranding of cottonseed cake. U. S. v. 150 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19848. I. S. No. 23880–v. S. No. C–4670.

On or about March 4, 1925, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 150 sacks of cottonseed cake, remaining in the unbroken packages at Sharon Springs, Kans., alleging that the article had been shipped by the Independent Cotton Oil Mills, from Lawton, Okla., on or about November 16, 1924, and transported from the State of Oklahoma into the State of Kansas, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "100 Pounds Net. "Chickasha Prime" Cottonseed Cake Or Meal. Guaranteed Analysis Protein, not less than 43 per cent. Manufactured by or for Chickasha Cotton Oil Company Chickasha, Oklahoma."

Misbranding of the article was alleged in the libel for the reason that the statements "100 Pounds Net" and "Protein, not less than 43 per cent," appearing in the labeling, were false and misleading and were calculated to induce the purchaser to believe that the article contained not less than 43 per cent of protein, when, in truth and in fact, it contained a much less amount than 43 per cent of protein. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 4, 1925, the Chickasha Cotton Oil Co., Chickasha, Okla., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be relabeled to show its true contents.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13354. Misbranding of cottonseed cake. U. S. v. 550 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19826. I. S. No. 23879–v. S. No. C–4654.)

On or about February 25, 1925, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 550 sacks of cottonseed cake, remaining in the unbroken packages at Sharon Springs, Kans., alleging that the article had been shipped by the Chickasha Cotton Oil Mills, from Chickasha, Okla., on or about December 29, 1924, and transported from the State of Oklahoma into the State of Kansas, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Chickasha Prime" Cottonseed Cake Or Meal * * * Guaranteed Analysis Protein, not less than 43 per cent * * * Manufactured by or for Chickasha Cotton Oil Company Chickasha, Oklahoma."

Misbranding of the article was alleged in the libel for the reason that the statement in the labeling "Protein, not less than 43 per cent" was false and misleading and calculated to induce the purchaser to believe that the said article contained not less than 43 per cent of protein, when, in truth and in fact, it contained a much less amount than 43 per cent of protein.

On March 2, 1925, the Chickasha Cotton Oil Co., Chickasha, Okla., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be relabeled to show its true contents.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13355. Misbranding of cottonseed meal. U. S. v. Lancaster Cotton Oil Co. Plea of nolo contendere. Fine, $100. (F. & D. No. 19243. I. S. No. 9003–v.

On November 24, 1924, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Lancaster Cotton Oil Co., a corporation, Lancaster, S. C., alleging shipment by said company, in violation of the food and drugs act, on or about July 20, 1923, from the State of South Carolina into the State of Massachusetts, of a quantity of cottonseed meal which was misbranded.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 37.09 per cent of protein, equivalent to 7.2 per cent of ammonia, and 5.93 per cent of nitrogen.

Misbranding of the article was alleged in substance in the information for the reason that the statements "Prime Cotton Seed Meal Guaranteed Analysis * * * Protein, not less than (Equivalent to 8% ammonia) 41.00% * * * Nitrogen, not less than 6.58%," borne on the tags attached to the sacks containing the said article, were false and misleading, in that the said statements represented that the article contained not less than 41 per cent of protein, equivalent to 8 per cent of ammonia, and contained not less than 6.58 per cent of nitrogen, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per cent of protein, equivalent to 8 per cent of ammonia, and contained not less than 6.58 per cent of nitrogen, whereas the said article contained less than 41 per cent of protein, less than the equivalent of 8 per cent of ammonia, and less than 6.58 per cent of nitrogen.

On March 11, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

C. F. Marvin, *Acting Secretary of Agriculture.*

13356. Adulteration of butter. U. S. v. Union Creamery Co. Pleas of guilty. Fines, $100. (F. & D. Nos. 19318, 19331. I. S. Nos. 11631–v, 20057–v.)

On February 27 and March 6, 1925, respectively, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against the Union Creamery Co., a corporation, La Grande, Oreg., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about May 14, 1924, and June 10, 1924, respectively, from the State of Oregon into the States of Washington and California, respectively, of quantities of butter which was adulterated. The article was billed or invoiced as butter.

Analyses by the Bureau of Chemistry of this department of a sample consisting of several subdivisions from each of the consignments showed that the said samples contained 79.39 per cent and 79.77 per cent, respectively, of milk fat.

Adulteration of the article was alleged in the informations for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

On March 12, 1925, pleas of guilty to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate amount of $100.

C. F. Marvin, *Acting Secretary of Agriculture.*

13357. Adulteration and misbranding of canned oysters. U. S. v. 49 Cases of Canned Oysters. Decree of condemnation and forfeiture, with proviso that product might be released under bond to claimant. (F. & D. No. 20038. I. S. No. 20447–v. S. No. W–1699.)

On or about April 24, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 49 cases of canned oysters, remaining in the original unbroken packages at San Jose, Calif., alleging that the article had been shipped by Southern Factors (Inc.), from New Orleans, La., February 19, 1925, and transported from the State of Louisiana into the State of California

and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Lopez's Cove Oysters Beauty Brand Contains between 4½ to 5 Ozs. Oysters Packed by Lopez-Desporte Packing Co., Biloxi, Miss."

Adulteration of the article was alleged in the libel for the reason that water, or brine, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was labeled so as to deceive and mislead the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the drained weight of oysters contained in the cans was less than stated on the label.

On May 15, 1925, the owner of the product having appeared and confessed the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal, said decree providing, however, that it might be released to the claimant, Southern Factors (Inc.), upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13358. Adulteration and misbranding of butter. U. S. v. Community Creamery Co. Plea of nolo contendere. Fine, $100. (F. & D. No. 19263. I. S. No. 980-v, 16601-v, 16602-v.)

On February 14, 1925, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Community Creamery Co., a corporation, Chester, S. C., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about January 25, 1924, and May 19, 1924, respectively, from the State of South Carolina into the States of Georgia and North Carolina, respectively, of quantities of butter which was adulterated and misbranded. A portion of the article was labeled in part: "Community Brand Extra Fancy Creamery Butter * * * Community Creamery Co. Chester, S. C. One Pound Net." The remainder of the said article was labeled in part: "Pure Creamery Butter."

Analyses by the Bureau of Chemistry of this department of a sample from each of the three consignments of the product showed that the said samples contained 79.45 per cent, 79.19 per cent, and 79.36 per cent, respectively, of milk fat. Examination by said bureau of 120 cartons from the consignment of Community brand butter showed that the average net weight was 15.60 ounces.

Adulteration of the article was alleged in the information for the reason that a product deficient in butterfat had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statements, to wit, "Creamery Butter" and "One Pound Net," with respect to a portion of the product, and the statement "Pure Creamery Butter," with respect to the remainder thereof, borne on the labels, were false and misleading, in that the said statements represented that the article consisted wholly of creamery butter and that the packages containing a portion of the product each contained 1 pound net thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the article consisted wholly of creamery butter and that the packages containing a portion of the product each contained 1 pound net thereof, whereas it did not consist wholly of creamery butter but did consist of a product deficient in milk fat, and each of the packages containing the said portion of the product did not contain 1 pound net of the article but did contain a less amount. Misbranding was alleged for the further reason that the statement "Butter," borne on the labels, was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount. Misbranding was alleged with respect to a portion of the product for the further reason that it was food in

package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 10, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13359. Adulteration of canned salmon. U. S. v. Carlisle Packing Co. Plea of guilty. Fine, $100. (F. & D. No. 19253. I. S. No. 11493-v.)

At the November, 1924, term of the United States District Court, within and for the Western District of Washington, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Carlisle Packing Co., a corporation, Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, on or about August 14, 1923, from the Territory of Alaska into the State of Washington, of a quantity of canned salmon which was adulterated.

Examination of a sample consisting of 960 cans of the article by the Bureau of Chemistry of this department showed that 173 cans or 18 per cent of the cans contained decomposed salmon.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On January 12, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13360. Adulteration and misbranding of butter. U. S. v. 32 Boxes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17586. I. S. No. 678-v. S. No. E-4422.)

On June 30, 1923, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel praying the seizure and condemnation of 32 boxes, each containing 32 1-pound prints, of butter, remaining in the original unbroken packages at Washington, D. C., alleging that the article was being offered for sale and sold in the District of Columbia by Morris & Co., a branch of the North American Provision Co., and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Morris' Supreme Fancy Creamery Butter."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in whole or in part for butter, which the said article purported to be, and for the further reason that a valuable constituent of the article, to wit, butterfat, had been in whole or in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the label, was false and misleading, in that it represented that the article was butter, and for the further reason that it was labeled "Butter," so as to deceive and mislead the purchaser into the belief that it was butter, whereas it was not butter but was a product containing excessive moisture and deficient in butterfat.

On August 20, 1923, the North American Provision Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,200, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13361. Adulteration and misbranding of evaporated apples. U. S. v. 21 Cases of Evaporated Apples. Decree of condemnation and forfeiture. Product released under bond to be reconditioned. (F. & D. No. 20010. I. S. No. 21836-v. S. No. C-4714.)

On April 16, 1925, the United States attorney for the Eastern District of Kentucky, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 21 cases of evaporated apples, at Ashland, Ky., alleg-

ing that the article had been shipped by C. C. Hall (Inc.), from Brighton, N. Y., on or about November 22, 1924, and transported from the State of New York into the State of Kentucky, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Monogram Brand Evaporated Apples Packed By C. C. Hall, Inc Rochester, N. Y. Sulphured."

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement in the labeling "Evaporated Apples" was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article, viz, evaporated apples.

On May 23, 1925, C. C. Hall (Inc.), Rochester, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $100, in conformity with section 10 of the act, conditioned in part that it not be sold or disposed of until dried down to the proper moisture content.

C. F. Marvin, *Acting Secretary of Agriculture.*

13362. Adulteration and misbranding of baking powder. U. S. v. 59 Cases of Baking Powder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19950. I. S. No. 20880–v. S. No. W–1689.)

On March 31, 1925, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 59 cases of baking powder, remaining in the original unbroken packages at Denver, Colo., consigned by the Omaha Jobbing Co., Omaha, Nebr., alleging that the article had been shipped from Omaha, Nebr., on or about January 3, 1925, and transported from the State of Nebraska into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled, variously, in part: "Snow Flake Baking Powder"; "Chapman's * * * Baking Powder"; "Quaker Baking Powder"; "Mascot Brand Baking Powder"; "Crown Baking Powder"; "Grape Crystal Baking Powder"; "Bon Bon Grant's Baking Powder"; "Jack Frost Baking Powder"; "Victor Baking Powder"; "Shepard's Baking Powder"; and "Kansas City Baking Powder."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in available carbon dioxide had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Baking Powder" was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On May 2, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

13363. Adulteration and misbranding of vinegar. U. S. v. 17 Barrels of Vinegar. Default decree of condemnation, forfeiture and destruction. (F. & D. No. 17052. I. S. No. 10659–v. S. No. C–2946.)

On January 24, 1923, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 17 barrels of vinegar, remaining in the original unbroken packages at Hancock, Mich., alleging that the article had been shipped by the National Vinegar Co., from Buffalo, N. Y., on or about June 2, 1922, and transported from the State of New York into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Pure Cider Vinegar Made From Apples * * * Distributed By National Vinegar Company Buffalo, N. Y."

Adulteration of the article was alleged in the libel for the reason that vinegar made from evaporated or dried apple product had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality

and strength, and had been substituted wholly or in part for vinegar made from apples, which the said article purported to be.

Misbranding was alleged for the reason that the article was labeled "Pure Cider Vinegar Made From Apples," so as to deceive and mislead the purchaser, for the further reason that the statement "Pure Cider Vinegar Made From Apples," borne on the barrels containing the article, was false and misleading, in that it contained a foreign substance, namely, barium, and for the further reason that it was offered for sale under the distinctive name of another article.

On July 23, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

13364. Misbranding of Chappelear's Bronchini. U. S. v. 24 Bottles, et al., of Chappelear's Bronchini. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. Nos. 19858, 19859, 19860. I. S. No. 17824–v. S. Nos. E–3944, E–3946, E–3947.)

On March 9, 1925, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 96 bottles of Chappelear's Bronchini, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Wm. M. Chappelear & Sons Co., from Zanesville, Ohio, in various consignments, namely, on or about November 21, 1923, and May 7, June 7, and October 24, 1924, respectively, and transported from the State of Ohio into the State of Pennsylvania, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Bottle, English) "Bronchini * * * Relieves Bronchitis * * * Sore Throat, Asthma, Croup, Influenza * * * When cough is very distressing, repeat the dose * * * For Croup * * * For Sore Throat * * * For severe attacks of Asthma," (bottle, German) "If the cough is very bad, the medicine should be taken every hour * * * For Croup * * * for sore throat * * * for violent attacks of difficult breathing," (wrapper, English) "Bronchini * * * For The Relief Of Bronchitis * * * Sore Throat, Asthma, Influenza, Croup, Throat and Lung Troubles," (wrapper, English and German) "alterative * * * To prevent coughing at night, one dose, taken on going to bed, will in most cases give entire relief," (wrapper, German) "cures diphtheria, coughs, colds, hoarseness, labored breathing, cold in the head, croup, and all curable diseases of the throat and lungs," (circular) "Bronchini The Great Cough Remedy By its peculiar influence over disease of the throat and respiratory organs, it has given relief when quick results were essential. Bronchini will stop cough instantly. A cold induces cough at night. One or two doses of Bronchini given on retiring will bring perfect rest during the night. One dose on arising will clear up the throat and relieve the cough during the day. Bronchitis follows colds. If you can arrest the disease before it reaches the lungs you have accomplished much, as it will surely enter the lungs if neglected. Bronchini is the only cough cure we have ever known that will most certainly produce the desired effect in the treatment of Bronchial cough. Croup can be prevented, and night croup in all cases can be cured by its use. Bronchini should be given on first appearance of hoarseness, and on retiring, giving such doses as are prescribed in cases of croup. Diphtheria prevails in every locality, Pneumonia, Influenza and other throat and lung diseases are common in most countries. All these can be prevented and cured by the regular use of Bronchini, thus saving many children and people of all ages and conditions. The weather is changeable, people contract colds, vitality is lowered, subjecting them to the danger of contracting Consumption. Cure the cold, stop the cough, and you are on the road to health and happiness.—Bronchini will do it. * * * Sold * * * on a guarantee to prove satisfactory or money refunded. * * * Bronchini, the great cough cure * * * prevents croup and will cure it. * * * After taking Bronchini, breathing is easy. * * * always stops a cough as soon as taken."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of ammonium chloride, extracts of plant drugs, flavoring material including anise and sassafras oils, sugar, alcohol, and water.

Misbranding of the article was alleged in the libels for the reason that the statements appearing on the bottle label and the accompanying wrapper and circular regarding the curative and therapeutic effects of the said article, were false and fraudulent, in that it did not contain any ingredient or combination of ingredients capable of producing the effects claimed. Misbranding was alleged for the further reason that the alcohol content of the article was incorrectly declared upon the bottle label and carton, in that 40 per cent by volume was declared, whereas only 30.3 per cent was present.

On April 29, 1925, the William M. Chappelear & Sons Co., Zanesville, Ohio, claimant, having admitted the allegations of the libels and having consented to the entry of decrees of condemnation and forfeiture, judgments of the court were entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $1,500, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

13365. Misbranding and alleged adulteration of butter. U. S. v. Trinidad Creamery Co. Tried to a jury. Instructed verdict of not guilty on the adulteration charge. Verdict of guilty on the misbranding charge. Fine, $2,800 and costs. (F. & D. No. 17912. I. S. Nos. 8601–v, 8612–v, 8613–v, 8617–v, 11367–v, 11374–v, 11376–v, 11377–v, 11378–v, 11391–v, 11394–v, 11399–v, 11400–v, 11426–v.

On February 11, 1925, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Trinidad Creamery Co., a corporation, Trinidad, Colo., alleging shipment by said company, in violation of the food and drugs act as amended, on or about February 1, 1923, from the State of Colorado into the State of Texas, and on or about the respective dates of February 9, 14, and 23, March 2, 20, 22, 23, and 30, and April 6 and 8, 1923, from the State of Colorado into the State of New Mexico, of quantities of butter which was misbranded and a portion of which was alleged to be adulterated. The article was labeled in part, variously: "None Nicer Brand Butter * * * One Pound Manufactured By Trinidad Creamery Co. Trinidad, Colo."; "Mountain States Brand Creamery Butter One Pound Net * * * Manufactured By Trinidad Creamery Co. Trinidad, Colo."; "Sunset Gold Creamery Butter * * * 1 Lb. Net"; and "Columbine Brand Pure Creamery Butter Manufactured By * * * Trinidad Creamery Co. Trinidad, Colo. Columbine Brand 1 Lb. Net When Packed."

Examination by the Bureau of Chemistry of this department of a sample consisting of a number of packages from each of the 14 consignments showed that the average net weight of the said samples was 15.31, 15.26, 15.37, 15.32, 15.27, 15.57, 15.49, 15.62, 15.62, 15.63, 15.53, 15.27, 15.68, and 15.59 ounces, respectively. Analyses by said bureau of 5 subdivisions taken from each of the three consignments of the None Nicer brand butter showed that 13 of the 15 subdivisions ranged from 76.84 per cent to 79.30 per cent of butterfat and 2 of the 15 subdivisions contained 80.09 per cent and 80.5 per cent, respectively, of butterfat.

Adulteration was alleged in the information with respect to three consignments of the None Nicer brand butter for the reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be.

Misbranding was alleged with respect to all of the consignments for the reason that the statements, to wit, "One Pound," "One Pound Net," and "1 Lb. Net," as the case might be, borne on the packages containing the article, were false and misleading, in that the said statements represented that each of the said packages contained 1 pound of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound of butter, whereas each of the said packages did not contain 1 pound of butter but did contain a less amount. Misbranding was alleged with respect to all the product for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding was alleged with respect to three consignments of the None Nicer brand butter for the reason that the statement "Butter," borne on the

said packages, was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, and for the further reason that it was labeled "Butter" so as to deceive and mislead the purchaser into the belief that it was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount.

On April 15, 1925, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel the court delivered the following instructions, directing a verdict for the defendant on the adulteration charges and submitting the misbranding charges to the jury (Symes, *D. J.*):

THE COURT:

"Gentlemen of the jury, you have listened carefully and patiently to this evidence. Counsel for both sides have given you the benefit of all the testimony that can be produced upon the charges made here, and have performed their part of the case in a very creditable manner as is their duty as officers of this court. You are also officers of this court, in that it is your duty now to determine the facts of this case and bring in your verdict accordingly.

"The information in this case contains 31 counts. In other words, the defendant is charged with 31 different offenses. The court instructs you, however, to find the defendant not guilty on three of those counts, to wit, the seventeenth, the twentieth, and twenty-fifth, because in the opinion of the court there is not evidence enough to substantiate those counts, and if you should find the defendant guilty on those counts, it would be the duty of the court to set them aside in the performance of its function as judge. That leaves for your consideration, then, 28 counts, and you will bear in mind that each count is a separate charge, and that the defendant is entitled to separate consideration in the case on each count and a verdict of guilty or not guilty on each count. It is, therefore, necessary for you to segregate the evidence and apply that evidence to each count which is material and bears upon it, and no other evidence.

"The evidence offered by the Government in this case is in part at least that a Government inspector, charged with the enforcement of the food and drugs act, which it is alleged was violated here, went out into the field and found 14 different places, I think, in New Mexico and Texas, where there was butter, the product of the defendant, for sale. It is admitted by the defendant and it stands undisputed that this particular butter referred to in the information was offered and put into and shipped in interstate commerce by the defendant from a point in the State of Colorado to points in other States. Therefore it was an interstate shipment and comes directly under the statute in question. This inspector, according to his evidence, at Dalhart, Tex., found a considerable quantity of this butter, took samples of it and weighed it and found that it averaged 2.55 per cent short. He then went to Santa Rosa and there found 61 pounds of butter of the defendant, and that, according to his testimony, was 2 per cent short in weight. He then went to a place in New Mexico, East Vaughn, N. Mex., and there he found butter of the defendant which averaged 4.56 per cent, or better than 4.5 per cent, short in weight. The maximum of some of that butter was 12 per cent short. He then went to the Piggly Wiggly store at Carlsbad, New Mex., and found 60 pounds there, 2 boxes, and weighed the samples from that, and they showed net 2.94 per cent short. The maximum was 7 per cent short, and most of it was under 9 per cent, and so on, at all the different places he found butter of the defendant, and in all cases that he has testified to, according to his evidence, the percentage of shortage ran from 2 per cent up to, as I have stated, over 4.5 per cent. He testified that wherever he went and found any considerable quantity of this butter and weighed it, he found it short without exception, taking an average of each consignment that he found, that is, what was left of it. He then also described the condition of the butter as he found it; that it was at most places being kept in a cool place, and was firm and in good condition. He then testified as to experiments that he had made, and said that, allowing for the necessary shortage due to dry weather and other conditions, the shortage he found exceeded that necessary under such conditions—in his opinion, of course, that is. He then described his visit to the factory of the defendant and what he saw there. We have, then, the testimony of a qualified Government chemist, Mr. Feldstein,

who made various tests of this butter which was shipped by this gentleman in the field, and you will recall what he testified to. Another Government chemist testified as to the analyses of samples that he made. That was in the main the testimony offered by the Government.

"Then the defendant offered as a witness, among others, Mr. Jacobson, secretary and manager of the defendant, who stated this factory had a daily output of 2,500 pounds. He described in detail the method of manufacture and the various tests that they made, and the precautions that were taken in order to keep the butter from being short weight and to comply fully with the law and the requirements of the Government inspectors. He then described the scales, and there was some testimony in regard to his statements at the hearing the Government afforded the defendant before the department at Denver. Then a man named Fulton, the former butter maker of the defendant, described his work, which was that of butter maker, and the precautions taken. Similar testimony was given by Mr. Fulton, by Miss Flaiz, and by two or three other young ladies, and also by the vice president of the company. His work, according to his testimony, was mostly official. There was some conversation with the weight inspector, who at various times, I believe, found, or in a few instances anyhow found, the scales inaccurate, sometimes overweight and sometimes underweight, as I recall the testimony. Then we had the weight inspector who did not qualify as an expert because he had no experience or qualifications, and I don't think his testimony is very good one way or the other, but that is, of course, for you to judge. We then had Mr. Osburn of the State Agricultural College, a very competent gentleman, well qualified to testify as to what he did testify to. He testified as to the variations in butterfat and butter content that necessarily take place, and he stated that those ran as high as 3 per cent or 4 per cent, and that the defendant's methods as far as he knew constituted good practice in that particular trade, and that it was impossible to keep every pound up to 80 per cent of butterfat without making an impure product.

"The Government then called Mr. McKendrie of the Beatrice Creamery in rebuttal. He disagreed with Mr. Jacobson as to the accuracy of some of his tests. I think that, in substance, is the testimony as I recall it. The court instructs you, however, gentlemen, that you are the sole judges of the facts, and it is for you to say what has been proven and what has not been proven as a matter of fact, and decide the issues of fact accordingly, without being influenced by the court, the remarks of the court on the facts, of course, being given only to aid you if you so desire, but you are the sole judges of the facts, and it is for you to decide the facts and what has been proven and what has not been proven according to your own view of the testimony, and you, of course, had the same opportunity to hear the witness that the court did.

"Counts 1, 3, 5, 7, 9, 11, 13, 15, 23, 28, and 30 of this information charge that on the dates mentioned therein certain shipments of food, to wit, butter, were made by the defendant from its plant in Trinidad to the consignee named at points outside of the State; in other words, in interstate commerce. This is not denied by the defendant. These counts further charge that the contents of these shipments were misbranded within the meaning of the law known as the pure food act, in that the labels on each of said separate packages of butter bore this statement, to wit, 'One Pound'; that this was false and misleading because it purports to and did represent to the purchaser that each of said packages contained a pound of butter, when, as a matter of fact, they did not contain a pound but a smaller quantity. The statute in question on which this information is based, parts of it which are applicable here, reads as follows: 'The term "misbranded," as used herein, shall apply to all drugs or articles of food which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular.' And then it goes on in regard to packages of food, and says 'Third. If in package form'—that is, if the food is in package form such as butter—'the quantity of the contents' [it] shall be a violation of the law 'if the quantity of the contents be not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.' In other words, that means so many pounds of butter, so many bushels of apples, or so many pieces of something else, whatever the particular product in question may be.

"Congress also gave the department power to make certain regulations for carrying out this act. These regulations, of course, can not add to or detract

from the statute, but aid in its enforcement and understanding. There is one which is applicable to this case, which reads as follows—or before I refer to that I should go on and say that the statute says this: 'Provided, however, that reasonable variations shall be permitted,' and tolerances shall be allowed in effect according—as established by rules and regulations made in accordance with provision three of the act. The regulation in regard to tolerances is that 'Discrepancies due exclusively to errors in weighing, measuring, or counting which occur in packing conducted in compliance with good commercial practice.' It therefore follows, gentlemen, that if you are convinced beyond a reasonable doubt, after a careful consideration of all the evidence, that at least as to these particular counts or any one or more of them the labels did not represent the true weight of the butter content at the time of shipment, but were false and misleading under the law and regulations I have read to you, then there was a misbranding under the law referred to, and it is your duty to find the defendant guilty on one or more of such counts.

"Counts 18, 21, and 26 likewise charge misbranding within the meaning of the act of Congress, in that the statement 'Butter One Pound,' borne on the label of the package containing the article, was false and misleading, in that it represented the article to be butter, when, according to the Government, it was not butter, because butter, according to the law, must contain 80 per cent by weight of milk or cream fat, as prescribed by the act of March 4, 1923. There is evidence both ways on this question; the Government that the butter referred to contained less than 80 per cent by weight of milk fat, and the defendant that it contained more. If, after a careful consideration of the evidence on this particular question, or these particular counts, rather, you find beyond a reasonable doubt that the shipments of the defendant referred to in these three counts or any of them at the time of the shipment contained an article which was labeled butter, but which contained less than 80 per cent of milk fat, then you should find the defendant guilty on one or more of these counts.

"There is a great deal of evidence pro and con in regard to the butter content, and that evidence, of course, applies only to these particular counts, and not the question of short weight. The following counts, to wit, 2, 4, 6, 8, 10, 12, 14, 16, 19, 22, 24, 27, 29, and 31, charge that the contents of certain packages of butter shipped by the defendant in interstate commerce, which shipments are admitted by the defendant, were not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count. The proof offered by the Government on this is the testimony of their witnesses to the effect that these packages or shipments of butter bore a conspicuous mark or label, which is admitted, I believe, stating that they contained 1 pound net of butter, when, as a matter of fact, according to the Government's evidence, they contained less than a pound of butter at the time of shipment, and therefore were misbranded in that they did not give the correct weight—all in violation of section 8 of the pure food law which I have read to you. Therefore, if you are convinced beyond a reasonable doubt that any of the packages of butter referred to in these particular counts did not contain the amount of butter stated on the label or carton containing them, to wit, 1 pound, when shipped, after allowing for reasonable variation in accordance with the regulation I have read to you, then it is your duty to find the defendant guilty on one or more of said counts, as you may decide.

"The court instructs you, gentlemen, that there must be proof in cases of this kind of an intent to violate the law on the part of the defendant. An intent implies knowledge of the violation, but such intent need not be proved separately and apart from the other facts, necessarily, because intent is a state of mind and the intent of a party may be proved by his acts and conduct under any particular set of facts or circumstances, because everybody is presumed to intend the reasonable and probable consequences that may reasonably be anticipated and follow from his acts. In other words, if, as reasonable men, you can say that the defendant put short weight into these packages, or should have known that it was short weight, and that that was the rule and not the exception in reference to the shipments referred to in the counts, then you may be justified, if you so find that he intended to do that, because short weight would be the reasonable and probable consequences of his act. Further, in this case the defendant is a corporation, and therefore is to be judged by the acts and intents of its officers, agents, and employees when acting within the scope of their duties, and there is no question here, as I recall the evidence,

but what these various employees acted within the scope of their duties in matters that have been testified to. They, when acting within the scope of their authority, act and speak for the corporation, and it therefore follows that their acts and conduct are the acts and conduct of the corporation, and that the latter is responsible for any violation of law committed by them in the course of their duties.

"The court further instructs you that in determining the weight of each pound package of butter you shall make allowances for any reasonable discrepancies in the weight of each 1-pound package due exclusively to differences in atmospheric conditions at various places, which discrepancies unavoidably result from the ordinary and customary exposure of the butter to evaporation or to the absorption of water by the wrappers and containers; and that a crime or misdemeanor consists in the violation of a public law, in the commission of which there must be a union or joint operation of act and intention. Intention may be manifested by circumstances capable of proof. The object of this statute, gentlemen, of course is to protect the purchaser or consumer of food products that move in interstate commerce, and to that end Congress has enacted that the quantity of the contents of any food products in package form must be plainly and conspicuously marked on the label in terms of weight, measure, or numerical count, so the purchaser thereof may rely upon them and get what he has the right to ask for, and determine for himself what he will buy and receive, and to accomplish this result the law condemns as guilty any person or corporation that introduces into interstate commerce any article that is misbranded within the terms of the statute and the regulation referred to, and misbranding includes a failure to state the weight of the contents of the package correctly. The main question in the case for you to determine is whether the butter in question was misbranded; that is, under the statutes and regulations which I have read, did it fail to come up to the representations or statements made on the label? If so, the defendants are guilty, because the act declares that any person who shall ship or deliver for shipment from one State to another, food in package form that bears a label that is false or misleading in any particular, shall be guilty of a misdemeanor as charged in the information.

"The evidence of the Government is that the particular butter referred to in the counts in this information was all underweight, the percentage of underweight varying, as you will no doubt recall from the evidence. This evidence stands uncontradicted, as the defendant has offered no evidence as to the weight of the particular shipments referred to. They have, however, offered considerable evidence showing their methods of manufacture, methods of weighing, and the care taken by them to comply with the law. This is all competent for you to consider along with the other evidence, but it is not evidence, of course, on the question of what the shipments referred to in the information actually contained and what they actually weighed. No amount of care exercised or precautions taken will excuse defendant, if you find that, after making allowances for honest or occasional mistakes and variations or tolerances allowed by the statute and the regulations made pursuant thereto, which I have called to your attention, the butter was underweight when shipped by the defendant. Anyone engaged in this business is conclusively presumed to know what the law is, and they must substantially comply with it at their peril. They must so equip their factories with proper scales and conduct their business that the law will be complied with, and if you find as a matter of fact that that part of their product which was shipped in interstate commerce and referred to in the information did not comply with the law, it is some evidence that they did not take the necessary precautions in the conduct of their business.

"It is clear from the evidence that butter varies in its moisture content and that it can not be absolutely controlled; that it is liable to dry out, and thereby it loses weight after it is manufactured. That fact, however, seems to be well known to the trade, and the defendant, of course, is presumed conclusively to have full knowledge of that fact and the necessary results that follow therefrom, and in manufacturing and shipping their product in interstate commerce they must make reasonable allowance for this variation and see that each package contains, as a usual thing, when shipped, the amount of butter that the label says it does.

"You will decide the case, gentlemen, solely upon the law, irrespective of your opinion of the law. It is the province of the legislative branch of the Government to make and repeal laws. The only province the court has—and

you are a part of the court—is to enforce the law fairly and fearlessly, irrespective of what your personal opinion may be upon it.

"There is some evidence here, and it is admitted, that this defendant has been convicted in this court of a previous violation of this law. The court instructs you, however, that that must not in any way influence your verdict in this case. That simply goes to the question of penalty if the defendant is convicted. It is on trial simply for the offense as charged in this information and nothing else.

"The court further instructs you that it is the duty of the Government to find the defendant guilty beyond a reasonable doubt. The Government must prove the defendant's guilt, and the defendant need not prove its innocence, and if you have any reasonable doubt as to any fact necessary to constitute the defendant's guilt on any one of the counts, it is your duty to give the defendant the benefit of that doubt and return a verdict of not guilty. You are prohibited, however, by law and your oath which you have taken from going beyond the evidence to seek for doubts upon which to acquit the defendant, and you must confine yourselves strictly to a dispassionate and an impartial consideration of the evidence. You must not have recourse to extraneous facts or circumstances. You are the exclusive judges of the facts, and it is for you to find from the evidence what has been proven and what has not.

"A doubt, to justify an acquittal, must be a reasonable doubt, not imaginary or conjectural, and must arise after a candid and impartial consideration of the evidence, and unless it is such a doubt, for instance, as, were it interposed in the graver transactions of your everyday business life, would cause you to hesitate and pause as reasonable men, then it is not a reasonable doubt and would not authorize a verdict of not guilty.

"The court further instructs you that you are the sole judges of the credibility of the witnesses and of the weight to be given to the testimony of any particular witness. In judging of their credibility and the weight to be given to their testimony, it is proper, if you so desire, to take into consideration their manner or demeanor upon the witness stand, their bias or interest in the outcome of this case, if any has been shown by them, and any other fact which appeared upon the witness stand which you think affects the weight to be given to their testimony. Of course, if you believe that any witness has testified falsely as to any material fact, you are at liberty to disregard his evidence entirely, except so far, of course, as it is corroborated by other competent evidence.

These, gentlemen, are the instructions which will govern you in deciding this case, and you will consider each instruction of equal weight and take and consider them all together, being bound by the instructions on the law as given you by the court. Decide the case solely upon the evidence, because the arguments of counsel, the remarks of the court, and the rulings of the court upon evidence stricken out, and evidence stricken out, will not be considered by you in deciding the case.

"Are there any exceptions to the charge of the court?"

Mr. Bock. "I understood the court to say that they found it short without exception."

The Court. "I mean every place he went."

Mr. Bock. "The court meant as an average weight. The defendant asks to take exception in regard to the county scale inspector, as to the weight of his evidence. The defendant also desires to save exception as to the instruction that the defendant should have known that his scales were—what weight; if he didn't know, he should have known. We save exception to that part of the instruction. The charge on the ground of misbranding, the court did not put in the element of intent in that particular definition. Nearly all the instructions on intent include the element to deceive and mislead. We except to that. The defendant further excepts to the instruction of the court that the manufacturer must make allowance for the variations, it being the viewpoint of the defendant that the retailer must make the allowance and not the manufacturer. The defendant also desires to save an exception to the court's instruction on the second offense, it being prejudicial, as to being any part whatever of the instruction, because it only relates to sentence and not the question of guilt."

Mr. Ireland. "We desire to ask that the regulation under (1) of section 8 be given. I desire to save my exception to the instruction on intention."

The COURT. "Gentlemen, the court further instructs you that what I said in reference to the evidence of the county inspector, as I recall the evidence, was that he had had no experience or training, and testified that the weights he used in testing he had not weighed. The court wants to emphasize that you are the sole judges of the facts in deciding what the witnesses testified to. You had the same opportunity to hear the evidence that the court did, and you will decide the evidence on the facts uninfluenced by the court. In speaking of intent, that means an intent to violate the law. I further call your attention to the fact that the regulations referred to, part of which I read, also contain this: 'Discrepancies'—that means variations—'under classes (1) and (2) of this paragraph'—paragraph (1) being the one I read to you—'shall be as often above as below the marked quantity.' Are there any further exceptions?"

The jury then retired and after due deliberation returned a verdict of guilty on the misbranding charge, and the court imposed a fine of $100 on each of 28 counts, a total of $2,800, together with the costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13366. Misbranding and alleged adulteration of canned oysters. U. S. v. 100 Cases Canned Oysters, et al. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19907. I. S. Nos. 14427–v, 14429–v, 21150–v. S. No. W–1685.)

On March 18, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 500 cases of canned oysters, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by James E. Eyman, from New Orleans, La., February 7, 1925, and transported from the State of Louisiana into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act as amended. One hundred cases of the product were labeled in part: (Can) "Lopez Oysters Southland Brand Cove Oysters 7½ to 8 oz. Oysters Packed & Guaranteed By Lopez-Desporte Packing Co. Biloxi, Miss. Under The Food & Drugs Act Of June 30, 1906." Two hundred and fifty cases of the product were labeled in part: (Can) "Our Choice Oysters Contents 10 Oz." One hundred and fifty cases of the product were labeled in part: (Can) "Pride of Gulf Brand Cove Oysters Contents 4 Ozs. Oyster Meat Packed By Caernarvon Canning Co. Caernarvon, La., And New Orleans, La."

Adulteration of the article was alleged in the libel for the reason that a substance, water, or brine, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the drained weight of oysters contained in the cans was less than stated on the respective labels, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages. Misbranding was alleged with respect to a portion of the product for the reason that the statement appearing in the labeling "Guaranteed By Lopez-Desporte Packing Co. Biloxi, Miss. Under the Food and Drugs Act Of June 30, 1906" was false and misleading and deceived and misled the purchaser.

On March 18, 1925, James E. Eyman, New Orleans, La., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13367. Misbranding of green peas. U. S. v. A. Levy & J. Zentner Co. Plea of guilty. Fine, $50. (F. & D. No. 19299. I. S. Nos. 12218–v, 12227–v.)

On February 26, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against A. Levy & J. Zentner Co., a corporation, San Francisco, Calif., alleging

shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely on or about May 29 and June 6, 1924, respectively, from the State of California into the State of Colorado of quantities of green peas, in unmarked hampers, which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 12, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

C. F. Marvin, *Acting Secretary of Agriculture.*

13368. Adulteration of canned sardines. U. S. v. 90 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19846. I. S. No. 15609–v. S. No. E–5132.)

On March 3, 1925, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 90 cases of sardines, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the North Lubec Mfg. & Canning Co., or the Maine Coop. Sardine Co., from Eastport, Me., in various consignments, namely, on or about September 9 and 19, October 27, and November 21, 1924, respectively, and transported from the State of Maine into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Eagle Brand American Sardines In Mustard Sauce Packed By North Lubec Manufacturing & Canning Co., Factories North Lubec and Stonington, Me."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On May 28, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

13369. Adulteration and misbranding of butter. U. S. v. J. G. Turnbull Co. Plea of guilty. Fine, $10. (F. & D. No. 19324. I. S. No. 10856–v.)

At the February, 1925, term of the United States District Court, within and for the District of Vermont, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the J. G. Turnbull Co., a corporation, Norton Mills, Vt., alleging shipment by said company, in violation of the food and drugs act, on or about July 31, 1924, from the State of Vermont into the State of New Hampshire, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: (Package) "Creamery Butter.'

Analyses of samples of the article by the Bureau of Chemistry of this department showed that 4 samples averaged 74.39 per cent of milk fat.

Adulteration of the article was alleged in the information for the reason that a substance deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement "Creamery Butter," borne on the packages containing the article, was false and misleading, in that it represented that the article was butter, to wit, a product containing not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, to wit, a product containing not less than 80 per cent by weight of milk fat, whereas it was not butter, in that it contained less than 80 per cent by weight of milk fat. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On April 8, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $10.

C. F. Marvin, *Acting Secretary of Agriculture.*

13370. Adulteration and misbranding of vanilla flavor. U. S. v. Parker-Browne Co. Plea of guilty. Fine, $25. (F. & D. No. 9440. I. S. No. 17053–p.)

On December 12, 1919, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Parker-Browne Co., a corporation, Fort Worth, Tex., alleging shipment by said company, in violation of the food and drugs act, on or about March 29, 1918, from the State of Texas into the State of New Mexico, of a quantity of vanilla flavor which was adulterated and misbranded. The article was labeled in part: "Our Special Brand Vanilla Flavor. A Compound Contains Added Color * * * Prepared By Parker-Browne Co. Fort Worth, Texas."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a diluted extract of vanilla containing added coumarin and vanillin and colored with caramel.

Adulteration of the article was alleged in the information for the reason that an artificially colored imitation product containing added vanillin and coumarin had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for vanilla flavor, which the said article purported to be. Adulteration was alleged for the further reason that it was an article inferior to vanilla flavor and was colored with caramel so as to simulate the appearance of vanilla flavor and in a manner whereby its inferiority to vanilla flavor was concealed.

Misbranding was alleged for the reason that the statement, to wit, "Vanilla Flavor," borne on the label attached to the keg containing the article, was false and misleading, in that the said statement represented that the article was vanilla flavor, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was vanilla flavor, whereas, in truth and in fact, it was not vanilla flavor but was a product composed of an artificially colored imitation product containing added vanillin and coumarin.

On April 11, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

C. F. Marvin, *Acting Secretary of Agriculture.*

13371. Adulteration and misbranding of mineral water. U. S. v. William T. Sims. Plea of guilty. Fine, $25. (F. & D. No. 11223. I. S. No. 7656–r.)

On December 9, 1919, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William T. Sims, alleging shipment by said defendant, in violation of the food and drugs act, on or about April 22, 1918, from Mineral Wells, Tex., into the State of Oklahoma, of a quantity of mineral water which was adulterated and misbranded. The article was labeled in part: "Natural Austin Well Water * * * One-Half Gallon W. T. Sims, Mgr., Mineral Wells, Texas."

Examination of the article by the Bureau of Chemistry of this department showed that it was polluted, and four of the five bottles examined were found to contain less than one-half gallon of the article.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance, and for the further reason that it consisted in part of a filthy, decomposed vegetable substance.

Misbranding was alleged for the reason that the statement "One-Half Gallon," borne on the label, was false and misleading, in that it represented that each bottle of the article contained not less than one-half gallon thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that each bottle contained not less than one-half gallon of the article, whereas, in fact and in truth, each of said bottles did not contain one-half gallon of the article. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On April 8, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

C. F. Marvin, *Acting Secretary of Agriculture.*

13372. Adulteration and misbranding of butter. U. S. v. Sardis Creamery Co. Plea of guilty. Fine, $50. (F. & D. No. 18760. I. S. No. 4925–v.)

On April 20, 1925, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sardis Creamery Co., a corporation, Sardis, Miss., alleging shipment by said company, in violation of the food and drugs act, on or about November 5, 1923, from the State of Mississippi into the State of Tennessee, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Mississippi State Brand Butter."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the said sample contained 16.36 per cent of moisture and 78.19 per cent of milk fat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the packages containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, whereas it did not consist wholly of butter but did consist of a product deficient in milk fat and containing an excessive amount of moisture. Misbranding was alleged for the further reason that the statement, to wit, "Butter," borne on the said packages, was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount.

On April 20, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

C. F. Marvin, *Acting Secretary of Agriculture.*

13373. Adulteration of evaporated apples. U. S. v. 49 Boxes of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19836. I. S. No. 19149–v. S. No. C–4665.)

On or about February 26, 1925, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 49 boxes of evaporated apples, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Gilbert Apple Products Co., from Brighton, N. Y., on or about December 9, 1924, and transported from the State of New York into the State of Wisconsin, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Monroe Brand New York State Evaporated Apples Packed by Gilbert Apple Products Co., Inc., Rochester, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive water, had been mixed and packed with and substituted wholly or in part for the said article.

On May 14, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

13374. Adulteration of canned sardines. U. S. v. 20 Cases of Sardines. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17980. I. S. No. 15106–v. S. No. E–4554.)

On November 19, 1923, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 cases of sardines, remaining in the original unbroken

packages at Martinsville, Va., consigned about July 28, 1923, alleging that the article had been shipped by the Columbian Canning Co., from Lubec, Me., and transported from the State of Maine into the State of Virginia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Vender Brand American Sardines In Cottonseed Oil Packed By Columbian Canning Co. Lubec Washington Co., Me."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On January 16, 1924, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13375. Misbranding of vanilla extract. U. S. v. Thomson & Taylor Co. Plea of guilty. Fine, $50 and costs. (F. & D. No. 18749. I. S. No 5650–v.)

On March 31, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Thomson & Taylor Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the food and drugs act as amended, on or about November 20, 1923, from the State of Illinois into the State of Minnesota, of a quantity of vanilla extract which was misbranded. The article was labeled in part: (Carton and bottle) "3 Fluid Ounces Extract Of Vanilla."

Examination by the Bureau of Chemistry of this department of a sample of the product showed that the average volume of 12 bottles examined was 2.896 fluid ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "3 Fluid Ounces," borne on the cartons and bottles containing the said article, was false and misleading, in that it represented that each of the said bottles contained 3 fluid ounces of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said bottles contained 3 fluid ounces of the article, whereas each of said bottles did not contain 3 fluid ounces of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 15, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13376. Adulteration and misbranding of concentrate, grape flavor. U. S. v. 28½ Gallons and 17 Quarts of Jungle-Grape Concentrate, Concord Flavor. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19983. I. S. No. 23315–v. S. No. W–1694.)

On April 10, 1925, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 28½ gallons and 17 quarts of Jungle-Grape concentrate, Concord flavor, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Jungle-Grape Products Co., from Salt Lake City, Utah, on or about March 11, 1925, and transported from the State of Utah into the State or Oregon, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Concentrate Jungle-Grape Concord Flavor. Manufactured by Jungle-Grape Products Co. Salt Lake City, Utah. * * * Certified Food Coloring. * * * Directions for making Jungle-Grape Syrup."

Adulteration of the article was alleged in the libel for the reason that a substance, an artificially flavored and artificially colored grape flavor, had been substituted for normal grape flavor of good commercial quality, and for the further reason that it had been colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements "Concentrate Jungle-Grape Concord Flavor," "Jungle-Grape Products Co., "Jungle-Grape Syrup," and "When two ounces of concentrate is added to one quart of simple syrup, the mixture will contain one-tenth of 1% Benzoate of Soda," borne on

the label, were false and misleading and deceived and misled the purchaser, for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On or about May 16, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

13377. Adulteration and misbranding of butter. U. S. v. Sardis Creamery Co., a corporation. Plea of guilty. Fine, $50. (F. & D. No. 18478. I. S. Nos. 4866–v, 4867–v, 4933–v, 4934–v.)

On December 2, 1924, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sardis Creamery Co., a corporation, Sardis, Miss., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, namely, on or about August 3, 9, 13, and 15, 1923, respectively, from the State of Mississippi into the State of Tennessee, of quantities of butter which was adulterated and misbranded. The article was labeled in part: "Creamery Butter" and "Net Weight One Pound" or "1 Lb. Net Weight," as the case might be.

Analysis by the Bureau of Chemistry of this department of a sample from each of the four consignments showed 78.08 per cent, 77.26 per cent, 78.15 per cent, and 77.15 per cent, respectively, of milk fat. Examination by said bureau of a sample of 30 packages from each of two consignments and 60 and 59 packages, respectively, from the other two consignments showed that the average net weight of the said samples was 15.30, 15.41, 14.60, and 14.85 ounces, respectively.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statements "Creamery Butter" and "Net Weight One Pound," or "1 Lb. Net Weight," as the case might be, borne on the packages containing the article, were false and misleading, in that the said statements represented that the article consisted wholly of butter and that each of said packages contained 1 pound net weight thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter and that each of said packages contained 1 pound net weight thereof, whereas, in truth and in fact, it did not consist wholly of butter but did consist of a product deficient in milk fat and containing an excessive amount of moisture, and each of said packages did not contain 1 pound net weight of the article, but did contain a less amount. Misbranding was alleged for the further reason that the statement, to wit, "Butter," borne on the said packages, was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 20, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

C. F. Marvin, *Acting Secretary of Agriculture.*

13378. Adulteration and misbranding of vinegar. U. S. v. 15 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16899. I. S. No. 9375–v. S. No. C–2929.)

On October 28, 1922, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the

District Court of the United States for said district a libel praying the seizure and condemnation of 15 barrels of vinegar, at Battle Creek, Mich., consigned by the Powell Corp., Canandaigua, N. Y., alleging that the article had been shipped from Canandaigua, N. Y., September 15, 1922, and transported from the State of New York into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Barrel) "Pure Cider Vinegar made From Apples Reduced To 4% The Powell Corp. Canandaigua, New York."

Adulteration of the article was alleged in substance in the libel for the reason that (distilled) vinegar had been mixed and packed wholly or in part with apple cider vinegar made from apples, which the said article purported to be.

Misbranding was alleged for the reason that the statement "Pure Cider Vinegar Made From Apples," appearing on the labels, was false and misleading, for the further reason that it was labeled "Pure Cider Vinegar Made From Apples," so as to deceive and mislead the purchaser, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article.

On August 1, 1923, the Powell Corp., Canandaigua, N. Y., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned that it be relabeled "Cider Vinegar and Distilled Vinegar Reduced to Four Per Cent Acidity."

C. F. Marvin, *Acting Secretary of Agriculture.*

13379. Adulteration of grapefruit. U. S. v. 301 Boxes of Grapefruit. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20067. I. S. No. 20713–v. S. No. W–1700.)

On April 22, 1925, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 301 boxes of grapefruit, remaining in the original unbroken packages at Denver, Colo., alleging that the article had been shipped from Wichita, Kans., on or about April 14, 1925, and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Box) "Texas Pride Grapefruit and Oranges Packed and Distributed by Botts Produce Company, Harlingen Texas."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of an inedible product and was unfit for food.

On April 27, 1925, the Botts Produce Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $600, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

13380. Misbranding of cottonseed meal. U. S. v. New South Oil Co. Plea of guilty. Fine, $25 and costs. (F. & D. No. 18474. I. S. No. 10462–v.)

On October 27, 1924, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the New South Oil Co., a corporation, Helena, Ark., alleging shipment by said company, in violation of the food and drugs act, on or about November 22, 1923, from the State of Arkansas into the State of Tennessee, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "Guaranteed Analysis Protein 41.00 Per Cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 39 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 41.00 Per Cent," borne on the tags attached to the sacks containing the said article, was false and misleading, in that the said statement represented that the article contained

not less than 41 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per cent of protein, whereas it did contain less than 41 per cent of protein, to wit, approximately 39 per cent of protein.

On March 10, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

13381. Adulteration of blue cohosh. U. S. v. 17 Bales of Blue Cohosh. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 19547. I. S. No. 15566–v. S. No. E–4970.)

On or about January 31, 1925, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 17 bales of blue cohosh, at Buffalo, N. Y., alleging that the article had been shipped by S. B. Penick & Co. from Ashville, N. C., on or about November 1, 1924, and transported from the State of North Carolina into the State of New York, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Blue Cohosh."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that upon ignition it yielded 11 per cent of ash.

Adulteration of the article was alleged in the libel for the reason that it was sold under a name recognized in the National Formulary and differed from the standard of strength, quality, or purity as determined by the test laid down in said formulary, in that it contained an excess of ash, and its own standard of strength, quality, and purity was not stated upon the container thereof.

On March 24, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal to purchasers who would dispose of it in accordance with the conditions prescribed by this department, and if no such purchasers be found that it be destroyed.

C. F. Marvin, *Acting Secretary of Agriculture.*

13382. Adulteration and misbranding of assorted fruit syrups. U. S. v. 22 Cases of Assorted Syrups. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19517. I. S. Nos. 19654–v to 19070–v, incl. S. No. C–4615.)

On or about January 21, 1925, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 22 cases of assorted syrups, remaining in the original unbroken packages at Milwaukee, Wis., alleging that the articles had been shipped by the Orchard Products Co., from Chicago, Ill., on or about July 31, 1924, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: (Bottle) "Silver Buckle Brand * * * Cherry" (or "Raspberry" or "Blackberry" or "Grape" or "Loganberry" or "Strawberry" or "Pineapple"), as the case might be, "Syrup Flavored Artificially Colored."

Adulteration of the articles was alleged in the libel for the reason that artificially colored imitation products had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality and strength and had been substituted wholly or in part for the said articles, and in that they had been colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the designation "Cherry" (or other fruit) "Syrup" was false and misleading and deceived and misled the purchaser, and for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On May 17, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

13383. Adulteration and misbranding of cottonseed meal. U. S. v. 320 Sacks of Cotton Seed Meal. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19545. I. S. No. 13495–v. S. No. E–5119.)

On February 1, 1925, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in

the District Court of the United States for said district a libel praying the seizure and condemnation of 320 sacks of cottonseed meal, at Arkville, N. Y., alleging that the article had been shipped by the Ashcraft-Wilkinson Co., Wilson, N. C., on or about October 31, 1924, and transported from the State of North Carolina into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "100 lbs. * * * Cotton Seed Meal * * * Protein * * * 36.00 %."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in protein had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Protein 36.00 %," appearing in the labeling, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was sold under the distinctive name of another article.

On May 6, 1925, the Ashcraft-Wilkinson Co., Atlanta, Ga., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it not be sold or shipped until rebranded "Cotton Seed Feed Ashcraft-Wilkinson Co., Atlanta, Ga., Guaranteed Analysis Protein (minimum) 33.00%, Ammonia (minimum) 6.45%, Crude Fiber (maximum) 16.50% Ingredients: Made from Upland Cottonseed."

C. F. Marvin, *Acting Secretary of Agriculture.*

13384. Adulteration of tomato puree. U. S. v. 1,100 Cases of Tomato Puree. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20033. I. S. No. 13830-v. S. No. E-5268.)

On April 23, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,100 cases of tomato puree, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Wm. Silver & Co., from Aberdeen, Md., on or about October 20, 1924, and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On May 16, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

13385. Adulteration of tomato paste. U. S. v. 124 Cases of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20034. I. S. No. 13813-v. S. No. E-5303.)

On April 22, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 124 cases of tomato paste, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by William Silver & Co. (Inc.), from Aberdeen, Md., on or about December 30, 1924, and transported from the State of Maryland into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On May 16, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

13386. Adulteration and misbranding of vinegar. U. S. v. 80 Barrels of Vinegar. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 15481. I. S. No. 8090–t. S. No. E–3608).

On October 17, 1921, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 80 barrels of vinegar, remaining in the original unbroken packages at Lancaster, Pa., consigned by the Douglas Packing Co., from Canastota, N. Y., alleging that the article had been shipped on or about September 22, 1921, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Barrel) "Douglas Packing Co. York State Brand Apple Cider Vinegar Made From Selected Apples Reduced To 4 Per Centum Rochester, N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, evaporated or dried apple products vinegar, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for apple cider vinegar made from selected apples, which the said article purported to be.

Misbranding was alleged in substance for the reason that the barrels enclosing the article contained labels bearing certain statements, designs, and devices, regarding the article and the ingredients and substances contained therein, which were false and misleading, in that the said statements represented that the barrels contained "Apple Cider Vinegar Made From Selected Apples," when in fact they did not. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On May 8, 1925, the Douglas Packing Co. (Inc.), Rochester, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $325, in conformity with section 10 of the act, conditioned in part that it be relabeled in accordance with the ruling of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

13387. Adulteration of canned sardines. U. S. v. 400 Cases of Sardines. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19110. I. S. No. 23012–v. S. No. C–4039.)

On October 30, 1924, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district, a libel praying the seizure and condemnntion of 400 cases of sardines, at Omaha, Nebr., alleging that the article had been shipped by the Johnson Bay Canning Co., Lubec, Me., on or about June 25, 1924, and transported from the State of Maine into the State of Nebraska, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Columbian Brand American Sardines * * * Packed At Lubec, * * * Me. By Columbian Canning Co."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, or putrid animal substance.

On May 15, 1925, the Johnson Bay Canning Co., Lubec, Me., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment of the court was entered, finding the product adulterated and ordering its release to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department and the good portion released without condition.

C. F. Marvin, *Acting Secretary of Agriculture.*

13388. Misbranding of butter. U. S. v. 6 Barrels of Mess Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20036. I. S. No. 20466–v. S. No. W–1693.)

On April 4, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure

and condemnation of 6 barrels of mess butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that on or about April 4, 1925, the article was being shipped in interstate commerce by Sheer (Scheer) & Co., San Francisco, Calif., from the State of California into the Territory of Hawaii, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Pacific Creamery Net Weight 2 Lbs. Pasteurized Butter Scheer & Company Sole Agents, San Francisco, California."

Misbranding of the article was alleged in the libel for the reason that the package containing the said article was labeled "Net Weight 2 Lbs," whereas it contained a less quantity.

On May 14, 1925, Scheer & Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13389. Adulteration and misbranding of butter. U. S. v. Western Meat Co. Plea of guilty. Fine, $100. (F. & D. No. 17606. I. S. Nos. 8005–v, 8694–v.)

On or about November 19, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Western Meat Co., a corporation, San Francisco, Calif., alleging that on or about February 16, 1923, the said company delivered for shipment from the State of California into the Territory of Hawaii a quantity of butter which was adulterated and misbranded in violation of the food and drugs act, and that on or about March 5, 1923, the said company shipped from the State of California into the Territory of Hawaii a quantity of butter which was misbranded in violation of said act as amended. The article was labeled in part: "Fort Sutter Brand Creamery Butter * * * 1 Lb. Net Weight."

Analysis by the Bureau of Chemistry of this department of a sample from the product delivered for shipment February 16, 1923, showed that the said sample contained 79.42 per cent of milk fat and 16.05 per cent of moisture. Examination by said bureau of 305 cartons from the shipment of March 5, 1923, showed an average net weight of 15.71 ounces.

Adulteration was alleged with respect to a portion of the article for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted in whole or in part for creamery butter, which the article purported to be.

Misbranding was alleged with respect to the said portion for the reason that the statement, to wit, "Creamery Butter," borne on the packages containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of creamery butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of creamery butter, whereas it did not so consist but did consist in whole or in part of a product deficient in milk fat and containing an excessive amount of moisture.

Misbranding was alleged with respect to the remainder of the article for the reason that the statement, to wit, "1 Lb. Net Weight," borne on the packages containing the article, was false and misleading, in that the said statement represented that each of said packages contained 1 pound net weight of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound net weight of butter, whereas each of said packages did not contain 1 pound net weight of butter but did contain a less amount. Misbranding was alleged with respect to the said portion for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 28, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13390. Misbranding of butter. U. S. v. 3 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20020. I. S. No. 20439–v. S. No. W–1692.)

On April 3, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 cases of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that on or about April 4, 1925, the article was to be shipped in interstate commerce by Swift & Co., from the State of California into the Territory of Hawaii, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Glenwood Creamy Butter Pasteurized Net Weight 2 Pounds. Distributed by Swift & Company, U. S. A."

Misbranding of the article was alleged in the libel for the reason that the package containing the said article was labeled "Net Weight 2 Pounds," whereas it contained a less quantity.

On May 4, 1925, Swift & Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $89, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

13391. Adulteration and misbranding of canned oysters. U. S. v. 49 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20037. I. S. No. 20446–v. S. No. W–1698.)

On April 24, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 49 cases of oysters, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by James B. Eyman Co., from New Orleans, La., March 21, 1925, and transported from the State of Louisiana into the State of California, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Lopez's Cove Oysters Beauty Brand Net Contents 10 Ozs. Oysters Packed by Lopez-Desporte Packing Co., Biloxi, Miss."

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the article was labeled and branded so as to deceive or mislead the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the drained weight of oysters contained in the said cans was less than stated on the label.

On May 5, 1925, the Lang & Stroh Co., San Francisco, Calif., the consignee of the shipment, having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $300, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

13392. Misbranding of butter. U. S. v. 25 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20027. I. S. No. 20545–v. S. No. W–1688.)

On March 26, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article was being shipped by the American Factors, Inc., from San Francisco, Calif., March 25, 1925, in

interstate commerce from the State of California into the Territory of Hawaii, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Package) "Golden State Brand Butter * * * Net Weight 1 Pound. * * * Distributed by Golden State Milk Products Co. General Offices, San Francisco, U. S. A."

Misbranding of the article was alleged in the libel for the reason that the packages were labeled "Net Weight 1 Pound" and contained a less quantity.

On April 9, 1925, the Golden State Milk Products Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $363, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13393. Misbranding of bakery products. U. S. v. the Purity Biscuit Co. Plea of guilty. Fine, $50. (F. & D. No. 19313. I. S. Nos. 12298–v, 12299–v, 12300–v, 20901–v.)

On March 11, 1925, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Purity Biscuit Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, in violation of the food and drugs act, on or about July 18, 1924, from the State of Utah into the State of Idaho, and on or about July 22, 1924, from the State of Utah into the State of Wyoming, of quantities of bakery products which were misbranded. The articles were labeled, variously, in part: "Vanilla Wafers The Purity Biscuit Company Salt Lake * * * Average Minimum Net Weight 5 Ounces"; "Fig Nuggets The Purity Biscuit Company Salt Lake * * * Average Minimum Net Weight 8 Ounces"; "Ginger Snaps Made By The Purity Biscuit Company Salt Lake * * * Average Minimum Net Weight 1 Pound 6 Ounces."

Examination by the Bureau of Chemistry of this department of a sample from each of the consignments showed that the average net weight of 24 packages of the vanilla wafers was 4.31 ounces; the average net weight of 12 packages of the ginger snaps was 1 pound 5.21 ounces; the average net weight of 24 packages and of 96 packages from the two consignments of fig nuggets was 7.44 ounces and 6.75 ounces, respectively.

Misbranding of the articles was alleged in substance in the information for the reason that the statements "Average Minimum Net Weight 5 Ounces," "Average Minimum Net Weight 8 Ounces," and "Average Minimum Net Weight 1 Pound 6 Ounces," borne on the packages containing the respective articles, were false and misleading, in that the said statements represented that the packages contained the amounts of the respective articles declared on the labels thereof, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages contained the amounts of the respective articles declared on the labels, whereas the packages did not contain the said amounts but did contain less amounts. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 20, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13394. Adulteration of canned salmon. U. S. v. 10,178 Cases of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17767. I. S. No. 11493–v. S. No. W–1416.)

On September 7, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10,178 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Carlisle Packing Co., from Cordovia, Alaska, August 14, 1923, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On June 18, 1924, the Carlisle Packing Co., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $5,000, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the former destroyed.

C. F. Marvin, *Acting Secretary of Agriculture.*

13395. Adulteration and misbranding of feed. U. S. v. Charles D. Fretwell and Ben D. Russell (Spartan Grain & Mill Co.). Plea of nolo contendere. Fine, $100. (F. & D. No. 19279. I. S. Nos. 16592–v, 16593–v, 16594–v.)

On February 17, 1925, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles D. Fretwell and Ben D. Russell, copartners, trading as the Spartan Grain & Mill Co., Spartanburg, S. C., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about April 15, 1924, from the State of South Carolina into the State of North Carolina, of quantities of feed which was adulterated and misbranded. The article was labeled, variously, in part: "100 Lbs. Net When Packed Sweet Pasture Stock Feed Manufactured by Spartan Grain & Mill Co. Spartanburg, S. C. * * * Ingredients—Cotton Seed Meal, Alfalfa Meal, Oat Meal, Mill By-Products, (Oat Middlings, Oat Shorts and Oat Hulls) and Molasses"; "100 Lbs. Net When Packed Carnation Horse Feed Manufactured by Spartan Grain & Mill Co. Spartanburg, S. C. Guaranteed Average Analysis: Protein 10.00% * * * Ingredients—Corn, Oats, Cotton Seed Meal, Alfalfa Meal, Oat Meal, Mill By-products, (Oat Middlings, Oat Shorts and Oat Hulls) and Molasses"; and "Spartan Grains Dairy Feed Sweet Manufactured By Spartan Grain and Mill Co. Spartanburg, S. C. * * * 100 Pounds Net 24% Protein."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that: The Sweet Pasture stock feed contained ground oat hulls, wheat, and barley, which were not declared on the label, and did not contain oat meal, alfalfa meal, and mill by-products (oat middlings, oat shorts, and oat hulls), which were declared, and the average net weight of 10 sacks was 98.41 pounds; the Carnation horse feed contained 8.62 per cent of protein and oat hulls and mill screenings, which were not declared on the label, and did not contain oats, oat meal, alfalfa meal, and mill by-products (oat middlings, oat shorts, and oat hulls), which were declared, and the average net weight of 20 sacks was 99.19 pounds; the Spartan dairy feed contained 22.09 per cent of protein, and the average net weight of 10 sacks was 99.53 pounds.

Adulteration of the Sweet Pasture stock feed was alleged in substance in the information for the reason that a substance devoid of certain ingredients declared on the label and containing certain ingredients not declared on the said label had been substituted in part for the article. Adulteration of the Carnation horse feed was alleged for the reason that a substance deficient in protein and containing undeclared ingredients, to wit, ground oat hulls and mill screenings, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted for the said article. Adulteration of the Spartan dairy feed was alleged for the reason that a substance deficient in protein had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted for the article.

Misbranding of all three brands of the article was alleged for the reason that the statement, to wit, "100 Lbs. Net," borne on the tags attached to the sacks containing the said article, was false and misleading, in that it represented that the sacks each contained 100 pounds net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said sacks each contained 100 pounds net of the article, whereas the said sacks did not contain 100 pounds net of the said article but did contain less amounts. Misbranding of all three brands of the article was alleged for the further reason that it was food in package form

and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the packages contained less than the quantity stated.

Misbranding was alleged in substance with respect to the Carnation horse feed and the Spartan dairy feed for the further reason that the statements, to wit, "Guaranteed Average Analysis: Protein 10.00%," with respect to the former, and "24% Protein," with respect to the latter, borne on the labels, were false and misleading, in that the said statements represented that the article contained 10 per cent of protein or 24 per cent of protein, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 10 per cent of protein or 24 per cent of protein, as the case might be, whereas the said article contained less protein than declared on the labels. Misbranding was alleged in substance with respect to the Sweet Pasture stock feed and the Carnation horse feed for the reason that the statements, to wit, "Ingredients—Cotton Seed Meal, Alfalfa Meal, Oat Meal, Mill By-Products, (Oat Middlings, Oat Shorts, and Oat Hulls) and Molasses," with respect to the former, and "Carnation Horse Feed * * * Ingredients—Corn, Oats, Cotton Seed Meal, Alfalfa Meal, Oat Meal, Mill By-Products, (Oat Middlings, Oat Shorts, and Oat Hulls) and Molasses," with respect to the latter, borne on the labels, were false and misleading, in that the said statements represented that the articles consisted of the ingredients declared in the said statements, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted of the ingredients declared in the said statements, whereas it did not contain certain ingredients declared and did contain certain ingredients not declared.

On March 10, 1925, a plea of nolo contendere to the information was entered, and the court imposed a fine of $100.

C. F. Marvin, *Acting Secretary of Agriculture.*

13396. Adulteration and misbranding of quinine bisulphate tablets and strychnine sulphate tablets, and adulteration of fluid-extract of nux vomica, tincture of cinchona, tincture of cinchona compound, tincture of colchicum seed, and tincture of belladonna leaves. U. S. v. Charles Berthel (C. Berthel & Co.). Plea of guilty. Fine, $275. (F. & D. No. 19611. I. S. Nos. 12847–v, 13961–v to 13965–v, incl., 16027–v, 16030–v.)

On May 4, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles Berthel, trading as C. Berthel & Co., New York, N. Y., alleging shipment by said defendant, in violation of the food and drugs act, in various consignments, from the State of New York into the State of New Jersey, on or about February 12, 1924, of quantities of fluid extract of nux vomica, tincture of cinchona, tincture of cinchona compound, tincture of colchicum seed, and tincture of belladonna leaves which were adulterated, and on or about March 28 and April 2, 1924, respectively, of quantities of quinine bisulphate tablets and strychnine sulphate tablets which were adulterated and misbranded. The articles were labeled, variously, in part: "Quinine Bisulphate 1 gr. * * * C. Berthel & Co., Inc. * * * New York City"; "Tablets Strychnine Sulphate 1/30"; "Fluid Extract Nux Vomica"; "Tincture Cinchona"; "Tincture Cinchona Comp."; "Tincture Colchicum Seed"; and "Tincture Belladonna Leaves."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the two lots of quinine bisulphate tablets examined, labeled "1 gr.," averaged not more than 0.769 grain and 0.776 grain of quinine bisulphate, respectively, to each tablet; the strychnine sulphate tablets examined, labeled "1/30," averaged not more than 0.0163 grain of strychnine sulphate to each tablet; the fluid extract of nux vomica examined contained not more than 0.422 gram of the alkaloids of nux vomica per 100 mils; the tincture of cinchona examined contained not more than 0.171 gram of the alkaloids of cinchona per 100 mils; the tincture of cinchona compound examined contained not more than 0.278 gram of the alkaloids of cinchona per 100 mils; the tincture of colchicum seed examined contained not less than 0.0612 gram of colchicine per 100 mils; the tincture of belladonna leaves examined contained not more than 0.0098 gram of the alkaloids of belladonna leaves per 100 mils.

Adulteration of the quinine bisulphate tablets and the strychnine sulphate tablets was alleged in the information for the reason that their strength and

purity fell below the professed standard and quality under which they were sold. Adulteration of the remaining articles was alleged for the reason that they were sold under and by names recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the tests laid down in said pharmacopœia, official at the time of investigation, in that the fluid extract of nux vomica yielded not more than 0.422 gram of the alkaloids of nux vomica per 100 mils, whereas the pharmacopœia provided that it should yield not less than 2.37 grams of the alkaloids of nux vomica per 100 mils; the tincture of cinchona yielded less than 0.8 gram of the alkaloids of cinchona per 100 mils, whereas the pharmacopœia provided that it should yield not less than 0.8 gram of the alkaloids of cinchona per 100 mils; the tincture of cinchona compound yielded less than 0.4 gram of the alkaloids of cinchona per 100 mils, whereas the pharmacopœia provided that it should yield not less than 0.4 gram of the alkaloids of cinchona per 100 mils; the tincture of colchicum seed yielded more than 0.044 gram of colchicine per 100 mils, whereas the pharmacopœia provided that it should yield not more than 0.044 gram of colchicine per 100 mils; and the tincture of belladonna leaves yielded less than 0.027 gram of the alkaloids of belladonna leaves per 100 mils, whereas the pharmacopœia provided that it should yield not less than 0.027 gram of the alkaloids of belladonna leaves per 100 mils, and the standard of strength, quality, and purity of the said articles was not declared on the containers thereof.

Misbranding of the said quinine bisulphate tablets and the strychnine sulphate tablets was alleged for the reason that the statements "Tab. Quinine Bisulphate 1 gr.," "Tablets Quinine Bisulphate 1 gr.," and "Tablets Strychnine Sulphate 1/30," as the case might be, borne on the respective labels, were false and misleading, in that each of said tablets was represented to contain the amount of the article declared on the label thereof, whereas the said tablets did not contain the amounts declared on the respective labels but did contain less amounts.

On May 11, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of $275.

C. F. Marvin, *Acting Secretary of Agriculture.*

13397. Adulteration and misbranding of vanilla extract. U. S. v. Thomas P. Morrow and George C. Morrow (Morrow & Co.). Pleas of guilty. Fine, $145. (F. & D. No. 19616. I. S. Nos. 13170–v, 13292–v, 13293–v, 13296–v, 13992–v, 16856–v, 16931–v, 16932–v, 16933–v, 16880–v, 18299–v, 18300–v, 17067–v.)

On May 11, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas P. Morrow and George C. Morrow, copartners, trading as Morrow & Co., New York, N. Y., alleging shipment by said defendants, in violation of the food and drugs act as amended, in various consignments, between the dates of April 26, 1924, and October 6, 1924, from the State of New York into the States of Virginia, Connecticut, New Jersey, Massachusetts, and Ohio, respectively, of quantities of vanilla extract which was adulterated and misbranded. The article was labeled in part, variously: "Pure Vanilla Extract"; "Morrow's Pure Extract Vanilla * * * Prepared By Morrow & Company New York"; "Pure Extract Vanilla * * * Vanilla 1½ Fluid Ounces"; "Pure Vanilla Extract * * * 2 Fluid Ounces"; "Pure Extract Vanilla"; "Strictly Pure Extracts Vanilla."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the said articles were diluted vanilla extract fortified with vanillin and colored with caramel, with the exception of one sample, which was not so colored. Four samples from each of the two consignments of the product labeled "1½ Fluid Ounces" and "2 Fluid Ounces," averaged 1.41 fluid ounces and 1.84 fluid ounces, respectively. One consignment bore no statement of the quantity of the contents.

Adulteration of the article was alleged in the information for the reason that a diluted vanilla extract fortified with vanillin, and, with the exception of one shipment, also colored with caramel, had been substituted for the said article.

Misbranding was alleged in substance for the reason that the statements, to wit, "Pure Vanilla Extract," "Pure Extract Vanilla," and "Strictly Pure Extracts Vanilla," as the case might be, and the further statements, "1½ Fluid Ounces" and "2 Fluid Ounces," with respect to two consignments of the

product, borne on the labels, were false and misleading, in that the said statements represented that the article was pure extract of vanilla and that the bottles involved in the said two consignments contained 1½ fluid ounces or 2 fluid ounces, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure extract of vanilla, and that the bottles involved in the said two consignments contained 1½ fluid ounces or 2 fluid ounces, as the case might be, whereas the article was not pure extract of vanilla but was a diluted vanilla extract fortified with vanillin, and, with the exception of one shipment, also colored with caramel, and the bottles in the said two consignments did not contain the respective amounts declared on the labels but did contain less amounts. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale and sold under the distinctive name of another article. Misbranding was alleged with respect to a portion of the product for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 18, 1925, the defendants entered pleas of guilty to the information, and the court imposed a fine of $145.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13398. Adulteration of oranges. U. S. v. 43 Boxes of Oranges. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 19840. I. S. Nos. 21122–v, 21123–v. S. No. W–1680.)

On March 3, 1925, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 43 boxes of oranges, remaining in the original unbroken packages at Astoria, Oreg., alleging that the article had been shipped by the California Fruit Growers' Exchange, from Wilmington, Calif., on or about February 24, 1925, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pine Tree Brand Fancy Highland Orange Association, Highland, Calif."

Adulteration of the article was alleged in the libel for the reason that a substance, an inedible product, had been substituted wholly or in part for normal oranges of good commercial quality.

On or about March 13, 1925, the Ryan Fruit Co., Astoria, Oreg., having entered an appearance and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13399. Adulteration and misbranding of atropine sulphate tablets, nitroglycerin tablets, quinine sulphate tablets, acetphenetidin tablets, morphine diacetyl tablets, morphine sulphate tablets, strychnine nitrate tablets, and codeine sulphate tablets. U. S. v. Bowman, Mell & Co. (Inc.). Plea of nolo contendere. Fine, $250. (F. & D. No. 18747. I. S. Nos. 1074–v, 1077–v, 1078–v, 1079–v, 1082–v, 1095–v, 1096–v, 1098–v, 1100–v, 2334–v, 2338–v, 2339–v, 12502–v, 15855–v, 15857–v, 15858–v.)

On September 3, 1924, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Bowman, Mell & Co. (Inc.), a corporation, Harrisburg, Pa., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about September 25 and 28, October 9 and 20, 1923, respectively, from the State of Pennsylvania into the State of Maryland, on or about December 3, 1923, from the State of Pennsylvania into the State of New York, and on or about September 21, 1923, from the State of Pennsylvania into the State of New Jersey, of quantities of atropine sulphate tablets, nitroglycerin tablets, quinine sulphate tablets, acetphenetidin tablets, morphine diacetyl tablets, morphine sulphate tablets, strychnine nitrate tablets, and codeine sulphate tablets which were adulterated and misbranded. The articles were labeled in part: "Atropine Sulphate 1/50 Gr."; "Nitroglycerine 1/50 gr." (or "1/100 gr."); "Quinine Sulphate (White) 2 gr."; "Acetphenetidin 1 gr." (or "2 grs." or "3 grs."); "Morphine Diacetyl 1/24 gr." (or "1/12 Grain"); "Morphine Sulphate 1/8 gr." (or "1/2 gr."); "Strychnine Nitrate

1/30 gr." ; and "Codeine Sulphate 1/6 gr.," as the case might be, and "Bowman, Mell & Co."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that: The atropine sulphate tablets examined, labeled "1/50 gr.," averaged 0.014 grain of atropine sulphate to each tablet; the quinine sulphate tablets examined, labeled "2 gr.," averaged 1.673 grains of quinine sulphate to each tablet; the nitroglycerin tablets examined, labeled "1/50 gr.," averaged 0.011 grain of nitroglycerin to each tablet and those labeled "1/100 gr." averaged 0.004 grain of nitroglycerin to each tablet; the two lots of morphine diacetyl tablets examined labeled "1/12 grain" averaged 0.0614 grain and 0.0621 grain, respectively, of morphine diacetyl to each tablet and those labeled "1/24 gr." averaged 0.0315 grain and 0.0335 grain, respectively, of morphine diacetyl to each tablet; the strychnine nitrate tablets examined, labeled "1/30 gr.," averaged 0.0276 grain of strychnine nitrate to each tablet; the three lots of acetphenetidin tablets examined, labeled "1 gr.," "2 grs.," and "3 grs.," respectively, averaged 0.865 grain, 1.737 grains, and 2.648 grains, respectively, of acetphenetidin to each tablet; the morphine sulphate tablets examined labeled "1/8 gr." averaged 0.106 grain of morphine sulphate to each tablet and those labeled "1/2 gr." averaged 0.439 grain of morphine sulphate to each tablet; and the codeine sulphate tablets examined, labeled "1/6 gr.," averaged 0.146 grain of codeine sulphate to each tablet.

Adulteration of the articles was alleged in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold.

Misbranding was alleged in substance for the reason that the statements, to wit, "500 Compressed Tablets Atropine Sulphate 1/50 Gr.," "Tablets * * * 1000 Nitroglycerin 1/50 gr., "Compressed Tablets 200 Quinine Sulphate (White) 2 gr.," "Compressed Tablets 1000 Acetphenetidin 1 Gr.," "Tablets * * * 200 Morphine Diacetyl 1/24 gr.," "Tablets * * * 400 Morphine Diacetyl 1/24 gr.," "Compressed Tablets 500 Acetphenetidin 2 grs.," "Tablets * * * 1000 Nitroglycerin 1/100 gr.," "200 Tablets * * * Morphine Diacetyl 1/12 Grain," "Tablets * * * 300 Morphine Sulphate 1/8 gr.," "Tablets * * * 200 Morphine Diacetyl 1/12 Grain," "Compressed Tablets 300 Acetphenetidin 3 grs.," "Tablets * * * 500 Atropine Sulphate 1/50 gr.," "Tablets—100 Morphine Sulphate 1/2 gr.," "Compressed Tablets 500 Strychnine Nitrate 1/30 gr.," and "Tablets * * * 300 Codeine Sulphate 1/6 gr.," as the case might be, borne on the labels attached to the bottles containing the respective articles, were false and misleading, in that the said statements represented that each of said tablets contained the amount of the product declared on the label thereof, whereas the said tablets contained less than so declared.

On May 4, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $250.

C. F. Marvin, *Acting Secretary of Agriculture.*

13400. Adulteration of shell eggs. U. S. v. Bristol Produce Co. Plea of guilty. Fine, $100. (F. & D. No. 19585. I. S. No. 18348–v.)

On February 19, 1925, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Bristol Produce Co., a corporation, Bristol, Va., alleging shipment by said company, in violation of the food and drugs act, on or about August 20, 1924, from the State of Virginia into the State of North Carolina, of a quantity of shell eggs which were adulterated. The article was labeled in part: "Bristol Produce Co."

Examination by the Bureau of Chemistry of this department of 1,080 eggs from the consignment showed that 136, or 12.6 per cent of those examined, were inedible eggs, consisting of black rots, advanced mixed rots, moldy eggs, heavy spot rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On April 13, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

C. F. Marvin, *Acting Secretary of Agriculture.*

INDEX TO NOTICES OF JUDGMENT 13351 TO 13400

[1] Contains instructions to the jury.

WASHINGTON : GOVERNMENT PRINTING OFFICE : 1925

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 13401–13450

[Approved by the Acting Secretary of Agriculture, Washington, D. C., August 10, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

13401. Adulteration and misbranding of olive oil. U. S. v. Benedetto A. Ventoura and Cairli Begani (Ventoura & Begani). Pleas of guilty. Fine, $100. (F. & D. No. 15855. I. S. No. 9245–t.)

On June 19, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Benedetto A. Ventoura and Cairli Begani, copartners, trading as Ventoura & Begani, New York, N. Y., alleging shipment by said defendants, in violation of the food and drugs act as amended, on October 2, 1920, from the State of New York into the State of Florida, of a quantity of olive oil which was adulterated and misbranded. The article was labeled in part: "Olio La Viva Italia Brand * * * Superior in Quality Purity Economy & Flavor To Olive Oil. Fine Edible Salad Oil Blended With Pure Olive Oil A Compound—Packed In New York Net Contents 1 Gallon Ventoura & Begani New York U. S. A."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of cottonseed oil. Examination of ten cans by said bureau showed an average volume of 0.939 gallon.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for olive oil, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Olio La Viva Italia," "Olive Oil," and "Net Contents 1 Gallon," together with the design and device of an Italian scene, borne on the cans containing the article, were false and misleading, in that they represented that the said article was olive oil, that it was a foreign product, to wit, an olive oil produced in the Kingdom of Italy, and that each of said cans contained 1 gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, that it was a foreign product, and that each of said cans contained 1 gallon net of the said article, whereas it was not olive oil but was a mixture composed in large part of cottonseed oil, it was not a foreign product but was a domestic product, to wit. an article produced in the United States of America, and each of said cans did not contain 1 gallon net of the article but did contain a less amount. Misbranding was alleged for the further reason that the statements, design, and device borne on the said cans purported the article to be a foreign product when not so. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 26, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of $100.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13402. Adulteration of walnut meats. U. S. v. Max Part. Plea of guilty. Fine, $50. (F. & D. No. 17794. I. S. No. 8161–v.)

On February 26, 1924, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Max Part, Los Angeles, Calif., alleging shipment by said defendant, in violation of the food and drugs act, on or about November 29, 1922, from the State of California into the State of Colorado, of a quantity of walnut meats which were adulterated. The article was labeled in part: "Dark Amber Meats 50 Net."

Examination by the Bureau of Chemistry of this department of 2 samples of the product showed that the said samples contained 19.25 per cent and 23.62 per cent, respectively, of inedible nuts, consisting of wormy, moldy, rancid, or decomposed nuts.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed vegetable substance.

At the March, 1925, term of court the defendant entered a plea of guilty to the information, and the court imposed a fine of $50.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13403. Adulteration of red raspberries. U. S. v. 90 Barrels, et al., of Raspberries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17848. I. S. Nos. 649–v, 15754–v. S. No. E–4492.)

On October 8, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 161 barrels of raspberries, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Puyallup & Sumner Fruit Growers' Assoc., from Seattle, Wash., in part on or about July 23, 1923, and in part on or about July 27, 1923, and transported from the State of Washington into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of partially decomposed raspberries.

On May 11, 1925, the Puyallup & Sumner Fruit Growers' Assoc., Puyallup, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $3,000, in conformity with section 10 of the act, conditioned in part that the bad portion be separated from the good portion under the supervision of this department, and the bad portion destroyed or denatured.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13404. Adulteration and misbranding of canned peas. U. S. v. Gibbs & Co. (Inc.). Plea of guilty. Fine, $15 and costs. (F. & D. No. 18089. I. S. No. 1910–v.)

At the March, 1925, term of the United States District Court within and for the District of Maryland, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against Gibbs & Co. (Inc.), a corporation, Baltimore, Md., alleging shipment by said company, in violation of the food and drugs act, on or about June 29, 1923, from the State of Maryland into the State of Massachusetts, of a quantity of canned peas which were adulterated and misbranded. The article was labeled in part: "Gold Seal Extra Small Sweet Sifted Peas * * * The Booth Packing Co. Branch Of Gibbs & Company, Inc., Distributers."

Examination of the article by the Bureau of Chemistry of this department showed that it contained an excessive amount of brine and that the peas were of the early, smooth-skin variety and not the sweet variety as labeled.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, brine, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for the said article, and for the further reason that early peas had been substituted for sweet peas, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Sweet Sifted Peas," borne on the labels attached to the cans containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of sweet sifted peas, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of sweet sifted peas, whereas, in truth and in fact, it did not consist wholly of sweet sifted peas but did consist in part of early peas.

On June 2, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $15 and costs.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13405. Misbranding of plums and apricots. U. S. v. Ben Lomond Orchard Co. Tried to the court and a jury. Verdict of guilty. Fine, $50. (F. & D. No. 18317. I. S. Nos. 11868–v, 11869–v.)

On July 8, 1924, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Ben Lomond Orchard Co., a corporation, Ogden, Utah, alleging shipment by said company, in violation of the food and drugs act as amended, on or about August 15, 1923, from the State of Utah into the State of Colorado, of quantities of plums and apricots in baskets which were misbranded. A portion of the baskets of the apricots were labeled in part: "Vol. 1 Bu."

Misbranding was alleged in the information with respect to a portion of the apricots for the reason that the statement, to wit, "1 Bu.," borne on the baskets containing the said portion of the apricots, was false and misleading, in that the said statement represented that each of said baskets contained 1 bushel of apricots, and for the further reason that the said portion of the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said baskets contained 1 bushel of apricots, whereas each of said baskets did not contain 1 bushel of apricots but did contain a less amount. Misbranding was alleged with respect to both products for the reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On November 10, 1924, the case came on for trial before the court and a jury on an agreed statement of facts, and the jury returned a verdict of guilty, whereupon the court imposed a fine of $50.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13406. Adulteration of shell eggs. U. S. v. E. Hobart Lamkin and Eugene Lamkin. Pleas of guilty. Fines, $200. (F. & D. No. 18331. I. S. Nos. 4617–v, 4619–v.)

On May 15, 1925, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment against E. Hobart Lamkin and Eugene Lamkin, Patriot, Ind., charging shipment by said defendants, in violation of the food and drugs act, on or about the respective dates of August 7 and 14, 1923, from the State of Indiana into the State of Ohio, of quantities of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of a sample consisting of 1,080 eggs from one of the consignments showed that 78 eggs, or 7.22 per cent of those examined, were inedible, consisting of black rots, mixed rots, spot rots, and blood rings. Examination of 900 eggs from the remaining consignment showed that 97 eggs, or 10.78 per cent of those examined, were inedible, consisting of black rots, mixed rots, spot rots, blood rings, and moldy eggs.

Adulteration of the article was charged in the indictment for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On May 23, 1925, the defendants entered pleas of guilty to the indictment, and the court imposed fines of $100 against each defendant, a total of $200 and costs.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13407. Misbranding of apricots. U. S. v. Ogden Commission Co. Tried to the court and a jury. Verdict of guilty. Fine, $50. (F. & D. No. 18337. I. S. No. 8502–v.)

On July 8, 1924, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Ogden Commission Co., a corporation, Ogden, Utah, alleging shipment by said company, in violation of the food and drugs act as amended on or about August 12, 1923, from the State of Utah into the State of Colorado, of a quantity of apricots in baskets which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 10, 1924, the case came on for trial before the court and a jury on an agreed statement of facts, and the jury returned a verdict of guilty, whereupon the court imposed a fine of $50.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13408. Adulteration of butter. U. S. v. Johnson Butter Co. Plea of guilty. Fine, $100 and costs. (F. & D. No. 18477. I. S. No. 1892–v.)

On May 15, 1925, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment against the Johnson Butter Co., a corporation, Terre Haute, Ind., charging shipment by said company, in violation of the food and drugs act, on June 6, 1923, from the State of Indiana into the State of Massachusetts, of a quantity of butter which was adulterated.

Analyses by the Bureau of Chemistry of this department of 5 samples of the article showed an average of 76.96 per cent of milk fat and 18.17 per cent of water.

Adulteration of the article was charged in the indictment for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the said article purported to be. Adulteration was alleged for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be.

On May 27, 1925, a plea of guilty to the indictment was entered on behalf of the defendant company, and the court imposed a fine of $100 and costs.

R. W. Dunlap, *Acting Secretary of Agriculture*

13409. Misbranding of butter. U. S. v. Hanford Produce Co. Pleas of guilty. Fines, $200 and costs. (F. & D. Nos. 18728, 18753. I. S. Nos. 671–v, 672–v, 692–v, 678–v, 679–v, 694–v, 695–v, 7321–v, 15058–v, 15065–v, 15066–v, 15068–v.)

On July 18 and September 17, 1924, respectively, the United States attorney for the Northern District of Iowa, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district two informations against the Hanford Produce Co., a corporation, Sioux City, Iowa, alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about May 23, 26, and 30, 1923, respectively, from the State of Iowa into the District of Columbia, on or about January 19 and February 2, 1924, respectively, from the State of Iowa, into the State of Maryland, and on or about February 9, 1924, from the State of Iowa into the State of Alabama, of quantities of butter which was misbranded. The product consigned February 9, 1924, into Alabama was labeled in part: "1 Lb. Net Weight Hanfords * * * Fancy Creamery Butter * * * Hanford Produce Co., Sioux City, Iowa." The remainder of the said product was labeled in part: "Creamery Butter."

Analyses by the Bureau of Chemistry of this department of 74 samples, 5 samples, and 47 samples taken from the shipments into the District of Columbia, Alabama, and Maryland, respectively, showed an average of 78.7 per cent, 79 per cent, and 77.7 per cent, respectively, of milk fat, and 16.8 per cent, 16.2 per cent, and 16.9 per cent, respectively, of moisture. Examination of 50 packages of the product consigned February 9, 1924, into Alabama showed that the average net weight was 15.58 ounces.

Misbranding of the article was alleged in the informations for the reason that the statement, to wit, "Creamery Butter," borne on the packages containing the said article, and the statement "1 Lb. Net Weight," borne on the packages containing the portion of the product consigned February 9, 1924, into Alabama, were false and misleading, in that the said statements represented that the article consisted wholly of butter, and that the packages contained 1 pound net of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter and that the packages contained 1 pound net of butter, whereas the article did not consist wholly of butter but did consist of a product deficient in milk fat and containing an excessive amount of moisture, and each of the packages did not contain 1 pound net of butter but did contain a less amount. Misbranding was alleged for the further reason that the statement "Butter," borne on the labels, was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, whereas it did not contain 80 per cent by weight of milk fat but did contain a less amount.

On May 29, 1925, pleas of guilty to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate amount of $200, together with the costs of the proceedings.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13410. Adulteration of shell eggs. U. S. v. James H. Bray (J. H. Bray). Plea of guilty. Fine, $25. (F. & D. No. 19356. I. S. No. 19836–v.)

On February 21, 1925, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James H. Bray, trading as J. H. Bray, Clinchport, Va., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 21, 1924, from the State of Virginia into the State of West Virginia, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From J. H. Bray, Clinchport, Va."

Examination by the Bureau of Chemistry of this department of 1,080 eggs from the consignment showed that 65 eggs, or 6 per cent of those examined, were inedible eggs, consisting of black rots, advanced mixed rots, moldy eggs, heavy spot rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On May 4, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of $25.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13411. Adulteration of acetphenetidin tablets, strychnine sulphate tablets, acetyl salicylic acid tablets, morphine sulphate tablets, codeine sulphate tablets, heroin hydrochloride tablets, and quinine sulphate tablets. U. S. v. Jopp's Drug Co. (Inc.). Plea of guilty. Fine, $1,300. (F. & D. No. 18990. I. S. Nos. 559–v, 561–v, 2392–v, 2812–v, 2814–v, 2815–v, 2962–v, 12842–v, 15270–v, 15306–v, 15309–v, 15312–v, 15313–v.)

At the November, 1924, term of the United States District Court, within and for the Western District of New York, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against Jopp's Drug Co. (Inc.), a corporation, Buffalo, N. Y., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about September 4 and 28, 1923, and March 12 and 20, 1924, respectively, from the State of New York into the State of New Jersey, of quantities of acetphenetidin tablets, strychnine sulphate tablets, morphine sulphate tablets, codeine sulphate tablets, and heroin hydrochloride tablets, respectively, on or about January 16, 1924, from the State of New York into the State of Pennsylvania, of a quantity of acetyl salicylic acid tablets, on or about November 19 and 26, 1923, respectively, from the State of New York into the State of Massachusetts, of quantities of acetyl salicylic acid tablets, quinine sulphate tablets, morphine sulphate tablets, and heroin hydrochloride tablets, respectively, which were adulterated. The articles were labeled, variously, in part: "Tablets Acetphenetidin 5 gr."; "Tablets Strychnia Sulph. 1–40 gr."; "Tablets Acetyl Salicylic Acid 5 Grain";

"Tablets Morphia Sulphate 1–8 gr."; "Tablets Strychnine Sulphate 1–40 gr."; "Tablets Codeine Sulphate ¼ gr."; "Tablets Heroin Hyd. 1–12 gr."; "Tablets Quinine Sulphate 2 Grain"; "Tablets * * * Morphia Sulphate ½ gr.," and "Tablets Heroin Hydroch. 1–12 gr." The respective labels bore the further statements "Jopp Drug Co." (or "Jopp Drug Co. Inc.") "Buffalo, N. Y."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that: The acetphenetidin tablets examined, labeled "5 gr.," averaged not more than 4.34 grains of acetphenetidin to each tablet; the three samples of heroin hydrochloride tablets examined, labeled "1–12 gr.," averaged 0.0542 grain, 0.0596 grain, and 0.0473 grain, respectively, of heroin hydrochloride to each tablet; the two samples of strychnine sulphate tablets examined, labeled "1–40 gr.," averaged not more than 0.0217 grain and 0.021 grain, respectively, of strychnine sulphate to each tablet; the two samples of morphine sulphate tablets examined, labeled "1–8 gr." and "½ gr.," respectively, averaged approximately 0.144 grain and 0.557 grain, respectively, of morphine sulphate to each tablet; the codeine sulphate tablets examined, labeled "¼ gr.," averaged not more than 0.223 grain of codeine sulphate to each tablet; the quinine sulphate tablets examined, labeled "2 Grain," averaged not more than 1.6 grains of quinine sulphate to each tablet; the three samples of acetyl salicylic acid tablets examined, labeled "5 Grain," averaged not more than 3.95 grains, 3.274 grains, and 4 grains, respectively, of acetyl salicylic acid to each tablet.

Adulteration of the articles was alleged in substance in the information for the reason that their strength and purity fell below the professed standard and quality under which they were sold, in that each tablet was represented to contain the amount of the product declared on the label thereof, whereas the said tablets, with the exception of the alleged ½ grain morphine sulphate tablets, contained less of the respective products than declared on the labels, and the alleged ½ grain morphine sulphate tablets contained more morphine sulphate than declared on the label thereof.

On May 19, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $1,300.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13412. Adulteration of butter. U. S. v. 36 Cubes of Butter. Decree entered, adjudging product adulterated and ordering its release under bond. (F. & D. No. 19055. I. S. No. 12291–v. S. No. W–1538.)

On August 2, 1924, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 36 cubes of butter, remaining in the original unbroken packages at Salt Lake City, Utah, alleging that the article had been shipped by the L. J. Durrant Co., from Grace, Idaho, on or about July 16, 1924, and transported from the State of Idaho into the State of Utah, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that water had been substituted in part for butterfat, so as to reduce and lower and injuriously affect the quality and strength of the said article, and in that it contained less than 80 per cent of butterfat.

On November 26, 1924, the product having been theretofore released under bond to the claimant, L. J. Durrant & Co., Provo, to be reprocessed under the supervision of this department, judgment of the court was entered, finding the product adulterated and ordering that it be released from the operation of the libel.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13413. Adulteration of canned sardines. U. S. v. 300 Cases, et al., of Sardines. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 19137, 19139, 19140, 19141, 19142, 19145, 19146, 19208, 19225. I. S. Nos. 19974–v, 22656–v, 22664–v. S. Nos. C–4523, C–4524, C–4550.)

On or about November 15, 17, and 28, and December 6, 1924, respectively, the United States attorney for the Southern District of Mississippi, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 2,450 cases of sardines, remaining in the original unbroken packages in various lots at Jackson, Yazoo City, Crystal Springs, Forest, and Hazlehurst, Miss., respectively, alleging that the article had been shipped by the Holmes Co., in

part from Robbinston, Me., and in part from Eastport, Me., in various consignments, namely, on or about July 15, August 26, and October 14, 1924, respectively, and transported from the State of Maine into the State of Mississippi, and charging adulteration in violation of the food and drugs act. The article was labeled in part, variously: (Can) "Holmes St. Croix Brand Always Reliable American Sardines In Cotton Seed Oil * * * Holmes Company * * * Robbinston, Maine"; "Holmes Company Maine Sardines 'ICO, Contents 3¼ Ozs. In Cottonseed Oil Robbinston Maine"; "Holmes' St. Croix Brand * * * American Sardines * * * Packed At Robbinston, Maine, Guaranteed By Holmes Company."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On May 8, 1925, the Holmes Co., Robbinston, Me., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that the bad portion be separated out.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13414. Adulteration of butter. U. S. v. Jacob Fachinger (Lanesville Creamery Co.). Plea of guilty. Fine, $100 and costs. (F. & D. No. 19230. I. S. No. 4225–v.)

On May 15, 1925, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for said district an indictment against Jacob Fachinger, trading as the Lanesville Creamery Co., Lanesville, Ind., charging shipment by said defendant, in violation of the food and drugs act, in two consignments, namely, on June 4 and 5, 1923, respectively, from the State of Indiana into the State of Illinois, of quantities of butter which was adulterated.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that the average milk fat of 5 subdivisions was 78.18 per cent.

Adulteration of the article was charged in the indictment for the reason that a product deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be.

On May 23, 1925, the defendant entered a plea of guilty to the indictment, and the court imposed a fine of $100 and costs.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13415. Misbranding of butter. U. S. v. Ravenna Creamery Co. Plea of guilty. Fine, $10 and costs. (F. & D. No. 19262. I. S. No. 20657–v.)

On February 3, 1925, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Ravenna Creamery Co., a corporation, Ravenna, Nebr., alleging shipment by said company, in violation of the food and drugs act as amended, on or about June 6, 1924, from the State of Nebraska into the State of Wyoming, of a quantity of butter which was misbranded. The article was labeled in part: "This Package Contains One Pound Net Weight Pasteurized Creamery Butter * * * Ravenna Creamery Co. Ravenna, Nebraska."

Examination by the Bureau of Chemistry of this department of 60 packages of the product showed that the average net weight of the packages examined was 15.72 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net Weight," borne on the packages containing the said article, was false and misleading, in that it represented that each of said packages contained 1 pound net weight of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained 1 pound net weight of butter, whereas each of said packages did not contain 1 pound net weight of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and

the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 4, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $10 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13416. Adulteration of canned sardines. U. S. v. Matt H. Dobson, sr., Allen Dobson, and Matt H. Dobson, jr. (Dobson & Co.). Pleas of nolo contendere. Fine, $10. (F. & D. No. 19296. I. S. No. 6971–v.)

On January 20, 1925, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Matt H. Dobson, sr., Allen Dobson, and Matt H. Dobson, jr., trading as Dobson & Co., at Fort Worth, Tex., alleging shipment by said defendants, in violation of the food and drugs act, on or about August 4, 1923, from the State of Oklahoma into the State of Texas, of a quantity of canned sardines which were adulterated.

Examination of the article by the Bureau of Chemistry of this department showed that it was partly decomposed.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On May 29, 1925, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of $10.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13417. Adulteration and misbranding of cottonseed meal. U. S. v. Sweetwater Cotton Oil Co. Plea of guilty. Fine, $50. (F. & D. No. 19305. I. S. No. 9109–v.)

On February 5, 1925, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sweetwater Cotton Oil Co., a corporation, Hamlin, Tex., alleging shipment by said company, in violation of the food and drugs act, on or about February 18, 1924, from the State of Texas into the State of Indiana, of a quantity of cottonseed meal which was adulterated and misbranded. The article was labeled in part: "'Texoma Brand' Prime Cottonseed Meal * * * 43.0 per cent of crude protein, not more than 12.0 per cent of crude fiber."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 38.9 per cent of protein and 13.68 per cent of fiber.

Adulteration of the article was alleged in the information for the reason that a substance deficient in protein and containing excessive crude fiber had been substituted for cottonseed meal guaranteed to contain not less than 43 per cent of protein and not more than 12 per cent of crude fiber, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Guarantees this 'Texoma Brand' Prime Cottonseed Meal to contain not less than * * * 43.0 per cent of crude protein, not more than 12.0 per cent of crude fiber," borne on the tags attached to the sacks containing the article, were false and misleading, in that the said statements represented that the article contained not less than 43 per cent of crude protein and not more than 12 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of crude protein and not more than 12 per cent of crude fiber, whereas it did not contain 43 per cent of crude protein but did contain a less amount, and it did contain more than 12 per cent of crude fiber.

On May 11, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13418. Misbranding of cottonseed meal. U. S. v. Southland Cotton Oil Co. Plea of guilty. Fine, $250. (F. & D. No. 19322. I. S. No. 12310–v.)

On February 18, 1925, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Southland Cotton Oil Co., a corporation, Corsicana, Tex., alleging shipment by said company, in violation of the food and drugs act, on or about

November 30, 1923, from the State of Texas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "Climax Brand Cotton Seed Cake and Meal * * * Analysis Protein 43% * * * Crude Fiber, Not Over 12% * * * Fully Guaranteed By Southland Cotton Oil Company Head Office, Paris Texas."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 39.78 per cent of crude protein and 12.9 per cent of crude fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Cotton Seed Cake And Meal * * * Analysis Protein 43% * * * Crude Fiber, Not Over 12%," borne on the tags attached to the sacks containing the article, were false and misleading, in that they represented that the said article contained 43 per cent of protein and not more than 12 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 43 per cent of protein and not more than 12 per cent of crude fiber, whereas it contained less than 43 per cent of protein and more than 12 per cent of crude fiber.

On May 20, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $250.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13419. Adulteration of canned salmon. U. S. v. Hetta Packing Co. Plea of guilty. Fine, $50. (F. & D. No. 19344. I. S. Nos. 4914–v, 19341–v, 19343–v.)

On March 14, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hetta Packing Co., a corporation, having a representative at Seattle, Wash., alleging shipment by said company, in violation of the food and drugs act, on or about September 15, 1923, from the State of Washington into the State of Kentucky, of a quantity of canned salmon which was adulterated. The article was labeled in part: "Fresh Breeze Brand Alaska Pink Salmon Packed By Hetta Packing Co., Sulzer, Alaska."

Examination by the Bureau of Chemistry of this department of 144 cans from the consignment showed 24.3 per cent of decomposed fish.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On March 23, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13420. Adulteration and misbranding of butter. U. S. v. John H. Stelle (McLeansboro Creamery Co.). Plea of guilty. Fine, $50. (F. & D. No. 19348. I. S. No. 15414–v.)

At the May, 1925, term of the United States District Court within and for the Eastern District of Illinois, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against John H. Stelle, trading as McLeansboro Creamery Co., McLeansboro, Ill., alleging shipment by said defendant, in violation of the food and drugs act, on or about February 15, 1924, from the State of Illinois into the State of Massachusetts, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Gold Label Fancy Creamery Butter Guaranteed Pure McLeansboro Creamery Co. McLeansboro, Ill."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the average milk fat of 11 samples was 79.64 per cent.

Adulteration of the article was alleged in the information for the reason that a substance deficient in milk fat, in that it contained less than 80 per cent by weight of milk fat, had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Gold Label Fancy Creamery Butter," borne on the cartons containing the article, was false and misleading, in that the said statement represented that the article was butter, a product containing not less than 80 per cent by weight of

milk fat, as defined and prescribed by the act of March 4, 1923, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was butter, to wit, a product containing not less than 80 per cent by weight of milk fat, whereas it was not butter, in that it contained less than 80 per cent by weight of milk fat. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, butter.

On May 19, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13421. Adulteration and misbranding of canned tomatoes. U. S. v. 1,000 Cases, et al., of Canned Tomatoes. Decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 19430, 19431. I. S. No. 3730–v. S. No. E–5072.)

On or about January 2 and 7, 1925, respectively, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,200 cases of canned tomatoes, remaining unsold in the original unbroken packages at Jacksonville, Fla., alleging that the article had been shipped by the H. J. McGrath Co., from Baltimore, Md., on or about October 7, 1924, and transported from the State of Maryland into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Tomatoes * * * Packed by The H. J. McGrath Co. Baltimore, Md., U. S. A."

Adulteration of the article was alleged in the libels for the reason that a substance, added water, had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the statement "Tomatoes," borne on the label, was false and misleading and deceived and misled the purchaser. and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 10, 1925, the H. J. McGrath Co., Baltimore, Md., having appeared as claimant for the property and having admitted the allegations of the libels, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $5,000, in conformity with section 10 of the act, conditioned in part that it be correctly and accurately relabeled.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13422. Adulteration and misbranding of tomato sauce. U. S. v. 195 Cases of Tomato Sauce. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19444. I. S. No. 13389–v. S. No. E–5079.)

On December 31, 1924, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 195 cases of tomato sauce, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the Hershel California Trust (Fruit) Products Co., from San Francisco, Calif., October 20, 1924, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Patria Brand Tomato Sauce Made From Choice Tomatoes."

Adulteration of the article was alleged in the libel for the reason that an artificially colored tomato paste, or sauce, had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce," borne on the labels, was false and misleading and deceived and misled the purchaser when applied to a tomato paste containing artificial color not declared upon the label.

On May 8, 1925, the Hershel California Fruit Products Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment

of the costs of the proceedings and the execution of a bond in the sum of $2,000, in conformity with section 10 of the act, conditioned in part that it be relabeled: "Artificially Colored Concentrated Tomato Sauce."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13423. Adulteration and misbranding of evaporated apples. U. S. v. 220 Cases, et al., of Evaporated Apples. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 19459, 19468, 19469, 19470, 19490, 19491, 19492, 19493. S. Nos. C–4603, C–4605, C–4608.)

On December 31, 1924, and January 7, 8, 14, 16, and 17, 1925, respectively, the United States attorney for the District of Minnesota, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,302 boxes of evaporated apples, in part at Minneapolis, Minn., and in part at St. Paul, Minn., alleging that the article had been shipped by the A. B. Williams Fruit Co., Sodus, N. Y., in various consignments, namely, on or about November 14 and 25, 1924, respectively, and transported from the State of New York into the State of Minnesota, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled, variously, in part: "Hills of Wayne Brand New York State Evaporated Apples * * * A. B. Williams Fruit Co., Sodus, Wayne Co., N. Y."; "Wedding Bells Brand * * * Choice Evaporated Ring Apples"; "Puritan Brand New York State Evaporated Apples"; "Dixie Brand Choice New York State Evaporated Apples."

Adulteration of the article was alleged in the libels for the reason that a substance, to wit, water, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Evaporated Apples" was false and misleading and deceived and misled the purchaser.

On February 24, 1925, the A. B. Williams Fruit Co., Sodus, N. Y., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $6,000, in conformity with section 10 of the act, conditioned in part that it be reshipped to the factory to be reconditioned to the satisfaction of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13424. Adulteration and misbranding of canned tomatoes. U. S. v. 349 Cases, et al., of Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19471. I. S. Nos. 15517–v, 15518–v. S. No. E–5098.)

On January 7, 1925, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 448 cases of tomatoes, at Tyrone, Pa., consigned in interstate commerce from Laurel, Del., alleging that the article had been shipped by the Davis Canning Co., on or about September 22, 1924, into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Dee Bee Brand Tomatoes Packed By Davis Canning Co. Laurel, Del."

Adulteration of the article was alleged in the libel for the reason that a substance, added water, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Tomatoes" was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On May 23, 1925, the Davis Canning Co., Laurel, Del., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $800, in conformity with section 10 of the act, conditioned that it be relabeled in part: "Water 50% Tomatoes 50% These tomatoes were canned with an additional equal amount of water. Packed by Davis Canning Co.

Laurel, Del. Canned Tomatoes Should Be Packed In Their Own Juice Without Added Water."

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13425. Misbranding of cottonseed cake. U. S. v. 300 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19536. I. S. No. 22699–v. S. No. W–942.)

On January 26, 1925, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 sacks of cottonseed cake, remaining in the original unbroken packages at Denver, Colo., consigned by the Rotan Cotton Oil Mill, Rotan, Tex., alleging that the article had been shipped from Rotan, Tex., on or about January 10, 1925, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "43% Protein Cracked Cottonseed Cake Prime Quality Manufactured by Rotan Cotton Oil Mill, Rotan, Texas. Guaranteed Analysis Crude Protein not less than 43%."

Misbranding of the article was alleged in the libel for the reason that the statement "Crude Protein not less than 43%," borne on the labels, was false and misleading and deceived and misled the purchaser, since the said article did not contain 43 per cent of protein.

On March 10, 1925, the Rotan Cotton Oil Mill, Rotan, Tex., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,200, in conformity with section 10 of the act.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13426. Misbranding of cottonseed cake. U. S. v. Gonzales Cotton Oil & Mfg. Co. Plea of nolo contendere. Fine, $1,000. (F. & D. No. 19589. I. S. No. 12320–v.)

On March 13, 1925, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Gonzales Cotton Oil & Mfg. Co., a corporation, Gonzales, Tex., alleging shipment by said company, in violation of the food and drugs act as amended, on or about January 29, 1924, from the State of Texas into the State of Kansas, of a quantity of cottonseed cake which was misbranded. The article was labeled in part: "100 Pounds Net Manufactured By Gonzales Cotton Oil & Mfg. Co. Gonzales, Texas."

Examination of 25 sacks of the article by the Bureau of Chemistry of this department showed that the average net weight of the sacks examined was 96.95 pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 Pounds Net," borne on the tags attached to the sacks containing the said article, was false and misleading, in that the said statement represented that each of the said sacks contained 100 pounds of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said sacks contained 100 pounds of the article, whereas each of said sacks did not contain 100 pounds of the article but did contain a less amount.

On April 20, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $1,000.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13427. Misbranding of ground mace, ground ginger, and ground nutmeg. U. S. v. McCormick & Co. Plea of nolo contendere. Fine, $75 and costs. (F. & D. No. 19602. I. S. Nos. 15179–v, 15232–v, 15233–v.)

On March 30, 1925, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against McCormick & Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the food and drugs act as amended, in various consignments, on or about September 11, 1923, from the State of Maryland into the State of Vir-

ginia, of a quantity of ground mace, and on or about October 31, 1923, and January 16, 1924, from the State of Maryland into the District of Columbia, of quantities of ground ginger and ground nutmeg, respectively, all of which were misbranded. The articles were labeled in part: "McCormick's Bee Brand * * * ¾ Oz. Net Absolutely Pure Ground Mace" (or "4 Oz. Absolutely Pure Ground Ginger" or "4 Oz. Absolutely Pure Ground Nutmeg") "McCormick & Co., Spice Importers and Grinders."

Examination by the Bureau of Chemistry of this department of a sample of each of the articles showed that: 72 packages of the ground mace averaged 0.65 ounce; 12 packages of the ground ginger averaged 3.90 ounces; and 48 packages of the ground nutmeg averaged 3.76 ounces.

Misbranding of the article was alleged in the information for the reason that the respective statements "¾ Oz. Net" and "4 Oz.," borne on the cans containing the articles, were false and misleading, in that the said statements represented that the cans contained ¾ ounce or 4 ounces of the respective articles, as the case might be, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained ¾ ounce or 4 ounces of the respective articles, as the case might be, whereas the said cans did not contain the amounts of the respective articles declared thereon but did contain less amounts. Misbranding was alleged for the further reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 29, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $75 and costs.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13428. Misbranding of cottonseed meal. U. S. v. George Emmett Light and David Walker Light (Pilot Point Oil Mill). Pleas of guilty. Fines, $20. (F. & D. No. 19605. I. S. No. 22003-v.)

On May 7, 1925, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George Emmett Light and David Walker Light, copartners, trading as Pilot Point Oil Mill, Pilot Point, Tex., alleging shipment by said defendants, in violation of the food and drugs act, on or about May 16, 1924, from the State of Texas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "43 per cent Protein Cotton Seed Meal Prime Quality Manufactured by Pilot Point Oil Mill Pilot Point, Texas Guaranteed Analysis Crude Protein, Not Less Than 43.00 per ct."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the said sample contained 39.84 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "43 per cent Protein Cotton Seed Meal" and "Guaranteed Analysis Crude Protein, Not Less Than 43.00 per ct.," borne on the tags attached to the sacks containing the article, were false and misleading, in that the said statements represented that the article contained not less than 43 per cent of crude protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of crude protein, whereas it did contain less than 43 per cent of crude protein, to wit, 39.84 per cent of crude protein.

On May 18, 1925, the defendants entered pleas of guilty to the information, and the court imposed a fine of $10 against each of the two defendants.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13429. Adulteration and misbranding of jam. U. S. v. 268 Cartons of Jam. Decree of condemnation and forfeiture. Product released to claimant to be relabeled. (F. & D. No. 19844. I. S. Nos. 22996-v, 22997-v. S. No. C-4660.)

On February 26, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 268 cartons of jam, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Hudson Valley Pure Food Co., Highland, N. Y., on or about September 23, 1924, and transported from the State of New York into the State of Mis-

souri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "Hudsonvale Brand Pure Strawberry" (or "Raspberry") "Jam Hudson Valley Pure Food Co., Inc. Highland, * * * N. Y."

Adulteration of the article was alleged in the libel for the reason that a product deficient in fruit and containing excess sugar had been substituted wholly or in part for the said article, and in that the product contained added tartaric acid.

Misbranding was alleged in that the statements "Strawberry Jam" and "Raspberry Jam," as the case might be, appearing in the labeling, were false and misleading and deceived and misled the purchaser, and in that the added tartaric acid was not declared. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On April 22, 1925, the United Drug Co., St. Louis, Mo., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon its being relabeled under the supervision of this department and upon payment of the costs of the proceedings.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13430. Adulteration of oranges. U. S. v. 98 Boxes of Oranges. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19847. I. S. No. 21125-v. S. No. W-1681.)

On March 5, 1925, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 98 boxes of oranges, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by A. M. Crapp, from Wilmington, Calif., on or about February 18, 1925, and transported from the State of California into the State of Oregon, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Fairest Brand Grown And Packed By Glen Rosa Orchards, Inc. Main Office, Riverside, California."

Adulteration of the article was alleged in the libel for the reason that a substance, an inedible product, had been substituted wholly or in part for normal oranges of good commercial quality.

On May 16, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13431. Adulteration and misbranding of apple jelly. U. S. v. 7 Pails of Apple Jelly. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19879. I. S. No. 13925-v. S. No. E-5149.)

On March 10, 1925, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 7 pails of apple jelly, remaining in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by the Logan-Johnson Co., from Boston, Mass., on or about February 9, 1925, and transported from the State of Massachusetts into the State of Rhode Island, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Manhattan Club Jelly Apple Made From Fruit, Pectin and Gran. Sugar Prepared And Guaranteed By Logan-Johnson Ltd. Boston, Mass."

Adulteration of the article was alleged in the libel for the reason that a substance, pectin jelly containing glucose, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Jelly Apple Made From Fruit, Pectin and Gran. Sugar" was false and misleading and deceived and misled the purchaser.

On May 20, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13432. Adulteration and misbranding of evaporated apples. U. S. v. 14 Cases of Evaporated Apples. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19911. I. S. No. 22237–v. S. No. E–5188.)

On March 18, 1925, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 cases of evaporated apples, remaining in the original unbroken packages at Lewiston, Me., alleging that the article had been shipped by the A. B. Williams Fruit Co., Sodus, N. Y., on or about January 15, 1925, and transported from the State of New York into the State of Maine, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Queen Quality Evaporated Apples Sulphured A. B. Williams Fruit Co. Sodus * * * N. Y."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive moisture, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement borne on the cases, "Evaporated Apples," was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On May 21, 1925, the F. G. Davis Co., Lewiston, Me., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $300, in conformity with section 10 of the act.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13433. Adulteration and misbranding of canned tuna. U. S. v. 3 Cases and 22 Cans of Tuna. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19968. I. S. No. 14150–v. S. No. E–5194.)

On March 27, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 cases and 22 cans of tuna, remaining in the original unbroken packages at Shenandoah, Pa., consigned by M. De Bruyn Importing Co., New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about March 21, 1925, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Juanita Brand California Tuna Standard All Light Meat * * * Selected Quality Packed For Discriminating Trade Only."

Adulteration of the article was alleged in the libel for the reason that a substance, yellowtail, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the packages inclosing the article contained labels bearing the statements "California Tuna Standard All Light Meat" and "Selected Quality for Discriminating Trade Only," which were false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On April 20, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13434. Adulteration and misbranding of canned tomatoes. U. S. v. 617 Cases of Canned Tomatoes. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20008. I. S. No. 15601–v. S. No. E–5290.)

On April 16, 1925, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 617 cases of canned tomatoes, at Pittsburgh, Pa., alleging that the article had been shipped by Thomas Roberts & Co., Inc.,

from McDaniel, Md., on or about October 15, 1924, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article consisted of five brands of tomatoes, labeled in part, respectively: (Can) "Maryland's Finest Brand Tomatoes Packed By The Shannahan Canning Co. McDaniel, Md."; "Rich Neck Brand Tomatoes Packed By Carroll & Warner, McDaniel, Md."; "Yum-Yum Tomatoes"; "S-C-S Brand Tomatoes Extra Standard * * * Packed By The Shannahan Canning Co. McDaniel, Md."; and "Soughtafter Brand Tomatoes."

Adulteration of the article was alleged in the libel for the reason that a substance, added water, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Tomatoes," together with the cut of a red ripe tomato, appearing on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On May 15, 1925, Thomas Roberts & Co. (Inc.), McDaniel, Md., claimant, having admitted the allegations of the libel and having consented to the entry of a decree of condemnation and forfeiture, judgment of the court was entered, ordering the release of the product to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $2,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13435. Adulteration and misbranding of canned oysters. U. S. v. 100 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20046. I. S. No. 20889–v. S. No. W–1702.)

On April 25, 1925, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 cases of oysters, remaining in the original unbroken packages at Denver, Colo., consigned by Foster, Fountain Co., Biloxi, Miss., alleging that the article had been shipped from Biloxi, Miss., on or about December 3, 1924, and transported from the State of Mississippi into the State of Colorado, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Riviera Brand Oysters Contents 4 Oz. Packed By C. B. Foster Packing Co. Inc. Biloxi, Miss."

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statement "Contents 4 Oz.," borne on the cans containing the article, was false and misleading and deceived and misled the purchaser, in that the net contents of oysters in each of said cans was less than 4 ounces. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the quantity stated was not correct.

On May 28, 1925, the Morey Mercantile Co., Denver, Colo., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $750, in conformity with section 10 of the act.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13436. Adulteration and misbranding of olive oil. U. S. v. 36 Quarts and 12 ½-Gallon Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20048. I. S. No. 14154–v. S. No. E–5306.)

On April 29, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 36 quarts and 12 half-gallon cans of olive oil, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Pace & Son, Providence, R. I., alleging that the article had been shipped

from Providence, R. I., on or about March 27, 1925, and transported from the State of Rhode Island into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that sesame oil had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statements "Pure Italian Olive Oil Cav. Rocco Pace & Figli Ortona a Mare (Italy) Products of Italy This oil is own (our) own production and is guaranteed to be pure under any chemical analysis. It is used for * * * medicinal use," (last statement also in Italian), together with a cut showing castle, and other cuts showing olive sprays bearing olives, borne on the cans containing the article, were false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On May 29, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13437. Misbranding of cottonseed meal. U. S. v. 125 Sacks of Cottonseed Meal. Product adjudged misbranded and released under bond. (F. & D. Nos. 20058, 20059. I. S. No. 20891–v. S. No. W–1704.)

On May 2, 1925, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 125 sacks of cottonseed meal, remaining in the original unbroken packages at Trinidad, Colo., consigned by the Quanah Cotton Oil Co., Quanah, Tex., alleging that the article had been shipped on or about March 24, 1925, and transported from the State of Texas into the State of Colorado, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "43% Protein Cottonseed Meal Prime Quality Manufactured by Quanah Cotton Oil Company Quanah, Texas. Guaranteed Analysis: Crude Protein not less than 43.00 Per Cent."

Misbranding of the article was alleged in the libel for the reason that the statements "43% Protein" and "Crude Protein not less than 43.00 Per Cent," appearing on the labels, were false and misleading and deceived and misled the purchaser, since the said article did not contain 43 per cent of protein.

On June 3, 1925, the Quanah Cotton Oil Co., Quanah, Tex., having appeared as claimant for the property, a decree of the court was entered, adjudging the product to be misbranded and ordering that it be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $472.60, in conformity with section 10 of the act, conditioned that it be relabeled to show its true contents.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13438. Adulteration and misbranding of olive oil. U. S. v. 5 Gallon Tins and 11 Half-Gallon Tins of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20065. I. S. Nos. 24835–v, 24836–v. S. No. C–4727.)

On May 25, 1925, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 gallon tins and 11 half-gallon tins of olive oil, at Chicago, Ill., alleging that the article had been shipped by D. Tirabassi, from Kenosha, Wis., May 21, 1925, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Termini Imerese Brand Olive Oil One Gallon" (or "½ Gallon") "Compound," (case) "Pure Olive Oil."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that each of the tins containing the article was labeled "One Gallon" or "½ Gallon," as the case

might be, which statements were false and misleading and misled and deceived the purchaser, in that the said statements purported that each of the tins contained 1 gallon or one-half gallon, as the case might be, whereas each of said tins contained less than so declared. Misbranding was alleged for the further reason that the article was in package form and did not have a statement of the contents plainly and conspicuously marked on the outside of the package in terms of weight or measure.

On June 3, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13439. Misbranding of potatoes. U. S. v. Atlantic Coast Distributors. Plea of nolo contendere. Fine, $50. (F. & D. No. 17806. I. S. No. 2062–v.)

On April 16, 1924, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Atlantic Coast Distributors, a corporation, Charleston, S. C., alleging shipment by said company, in violation of the food and drugs act as amended, on or about May 26, 1923, from the State of South Carolina into the State of New York, of a quantity of potatoes which were misbranded. The article was contained in barrels marked: "No. 1 U. S. Standard Barrel."

Examination by the Bureau of Chemistry of this department of a number of barrels of the product showed that the said barrels had a capacity less than the United States standard barrel, and they were also slack filled.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "U. S. Standard Barrel," borne on the barrels containing the said article, was false and misleading, in that it represented that the said barrels were United States standard barrels, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said barrels were United States standard barrels, whereas they were not United States standard barrels. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 3, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13440. Adulteration of canned salmon. U. S. v. 688 Cases, et al., of Salmon. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17878. I. S. Nos. 8626–v, 8627–v. S. No. W–1428.)

On October 26, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,011 cases of salmon, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Bristol Bay Packing Co., from Bristol Bay, Alaska, August 30, 1923, and transported from the Territory of Alaska into the State of California, and charging adulteration in violation of the food and drugs act. A portion of the article was labeled in part: (Can) "Red Beauty Brand Alaska Red Salmon Packed By The Bristol Bay Packing Co. Koggiung River, Alaska." The remainder of the said article was labeled in part: (Can) "Dainty Brand Pink Alaska Salmon."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On November 28, 1923, the Alaska Salmon Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $9,000, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13441. Adulteration of canned salmon. U. S. v. 226 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18181. I. S. No. 7329–v. S. No. C–4230.)

On December 18, 1923, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 226 cases of canned salmon, remaining in the original unbroken packages at Corinth, Miss., alleging that the article had been shipped by the Canoe Pass Packing Co., from Seattle, Wash., on or about August 25, 1923, and transported from the State of Washington into the State of Mississippi, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Headlight Brand Chum Salmon Packed By Alaska Salmon & Herring Packers, Inc. Tyee, Alaska. Main Office, Seattle, U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On April 7, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13442. Adulteration and misbranding of canned oysters. U. S. v. Shelmore Oyster Products Co. Plea of nolo contendere. Fine, $25. (F. & D. No. 19239. I. S. Nos. 10298–v, 10299–v.)

On February 12, 1925, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Shelmore Oyster Products Co., a corporation, Charleston, S. C., alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely, on or about November 2 and 7, 1923, respectively, from the State of South Carolina into the State of Georgia, of quantities of canned oysters which were adulterated and misbranded. The article was labeled in part: "Oysters * * * Contains 5 Oz. Oyster Meat."

Examination by the Bureau of Chemistry of this department of a sample of 24 cans from each of the consignments showed an average net weight of 4.77 ounces and 4.87 ounces of oyster meat, respectively.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, liquor, had been substituted in part for oyster meat, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Contains 5 Oz. Oyster Meat," borne on the cans containing the article, was false and misleading, in that the said statement represented that each of the said cans contained 5 ounces of oyster meat, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 5 ounces of oyster meat, whereas each of said cans did not contain 5 ounces of oyster meat but a number of the cans contained less than 5 ounces of oyster meat. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 3, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13443. Adulteration of canned cherries. U. S. v. 24 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19548. I. S. No. 16276–v. S. No. E–5115.)

On or about February 10, 1925, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 24 cases of canned cherries, at St. Petersburg, Fla., alleging that the article had been shipped by the Egypt Canning Co., from Fairport, N. Y., on or about October 31, 1924, and transported from the State of New York into the State of Florida, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pride Of Egypt Brand Red Sour Pitted Cherries * * * Egypt Canning Co., Inc. Egypt, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole and in part of a filthy, decomposed, and putrid vegetable substance.

On April 27, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13444. Alleged misbranding of coffee. U. S. v. National Tea Importing Co. Tried to the court and a jury. Verdict of not guilty. (F. & D. No. 19591. I. S. Nos. 12295–v, 12296–v.)

On March 11, 1925, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the National Tea Importing Co., a corporation, Salt Lake City, Utah, alleging shipment by said company, in violation of the food and drugs act as amended, on or about July 18, 1924, from the State of Utah into the State of Nevada, of quantities of coffee which was alleged to be misbranded. A portion of the article was labeled in part: "One Pound Net Shamrock Velvet Hotel And Cafe Coffee Roasted And Blended By National Tea Importing Co. Salt Lake City, Utah." The remainder of the said article was labeled in part: "Shamrock Guaranteed By National Tea Importing Co. Salt Lake City, Utah. Food Products Coffee."

Examination by the Bureau of Chemistry of this department of a number of the packages labeled "One Pound Net" showed that the average net weight of 30 packages was 15.73 ounces.

Misbranding was alleged with respect to a portion of the product for the reason that the statement "One Pound Net," borne on the packages containing the said portion, was false and misleading, in that it represented that the said packages each contained 1 pound of coffee, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said packages each contained 1 pound of coffee, whereas they did not each contain 1 pound of coffee but did contain a less amount. Misbranding was alleged with respect to both lots of the said article for the reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On May 11, 1925, the case came on for trial before the court and a jury on an agreed statement of facts. After arguments by counsel were made and the instructions of the court were delivered, the jury retired and after due deliberation returned a verdict of not guilty.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13445. Adulteration and misbranding of vanillin. U. S. v. Hymes Bros. Co. Plea of guilty. Fine, $100. (F. & D. No. 19615. I. S. Nos. 16928–v, 18251–v.)

At the June, 1925, term of the United States District Court within and for the Southern District of New York, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against the Hymes Bros. Co., a corporation, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act, on or about May 3, 1924, from the State of New York into the State of Louisiana, and on or about June 17, 1924, from the State of New York into the State of Massachusetts, of quantities of vanillin which was adulterated and misbranded. The article was labeled in part: "Vanillin Chemically Pure Hymes Bros. Co. New York."

Analyses by the Bureau of Chemistry of this department of a sample from each of the consignments showed that the said samples contained 11.5 per cent and 8.9 per cent, respectively, of acetanilid.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, acetanilid, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for vanillin, which the said article purported to be. Adulteration was alleged for the further reason that the article contained an added poisonous and deleterious ingredient, to wit, acetanilid, which might have rendered it injurious to health.

Misbranding was alleged for the reason that the statement, to wit, "Vanillin Chemically Pure," borne on the packages containing the article, was false and misleading, in that it represented that the said article was pure vanillin, and for the further reason that it was labeled as aforesaid so as to deceive and

mislead the purchaser into the belief that it was pure vanillin, whereas it was not pure vanillin but was a product composed in part of acetanilid. Misbranding was alleged for the further reason that the article was a product composed in part of acetanilid, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, vanillin.

On June 15, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13446. Adulteration and misbranding of gray shorts. U. S. v. 215 Sacks of Gray Shorts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19912. I. S. No. 21443–v. S. No. C–4684.)

On March 19, 1925, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 215 sacks of gray shorts, remaining in the original unbroken packages at Columbus, Miss., alleging that the article had been shipped by Hogan Bros., from Kansas City, Mo., February 3, 1925, and transported from the State of Missouri into the State of Mississippi, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Wheat Gray Shorts With Ground Wheat Screenings Not To Exceed Millrun. Hogan Bros., Kansas City, Mo."

Adulteration of the article was alleged in the libel for the reason that brown shorts had been mixed and packed therewith so as to lower and injuriously affect its quality or strength and had been substituted wholly or in part for the said gray shorts.

Misbranding was alleged for the reason that the designation "Gray Shorts" was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of gray shorts when the said 215 sacks contained brown shorts.

On April 7, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13447. Adulteration of canned cherries. U. S. v. 74½ Cases, et al., of Cherries. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 19945, 19951, 19998. I. S. Nos. 15625–v, 15636–v, 15651–v. S. Nos. E–5259, E–5262, E–5291.)

On March 28 and April 3 and 14, 1925, respectively, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 207 cases of cherries, in part at McKeesport, Pa., and in part at Washington, Pa., alleging that the article had been shipped by S. E. Comstock & Co., in part from Fairport, N. Y., and in part from Wayneport, N. Y., in various consignments, namely, on or about the respective dates of September 1 and 16 and November 5, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part, variously: "Sweet Violet Brand Red Sour Pitted Cherries"; "Red Ring Brand Red Sour Pitted Cherries"; and "Orchard Farm Brand Red Sour Pitted Cherries."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On May 21, 1925, the Egypt Canning Co., Egypt, N. Y., claimant, having admitted the allegations of the libels and having consented to the condemnation and forfeiture of the product, decrees of the court were entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $900, in conformity with section 10 of the act, conditioned in part that it be reprocessed and reconditioned under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13448. Adulteration and misbranding of evaporated apples. U. S. v. 16 Cases, et al., of Evaporated Apples. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 19976, 19984. I. S. Nos. 15640–v, 15641–v. S. Nos. E–5273, E–5284.)

On April 11 and 23, 1925, respectively, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 26 cases of evaporated apples, at Pittsburgh, Pa., alleging that the article had been shipped by W. T. Gaylord, jr., from Sodus, N. Y., in two consignments, namely, on or about December 2 and 16, 1924, respectively, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "50 Lbs. Choice Evaporated Snow Flake Apples W. T. Gaylord, Jr., Sodus, Wayne Co., N. Y."

Adulteration of the article was alleged in the libels for the reason that a substance, excessive moisture, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements "Choice Evaporated Apples" and "Evaporated Apples," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On May 15, 1925, W. T. Gaylord, jr., Sodus, N. Y., claimant, having admitted the allegations of the libels and having consented to the condemnation and forfeiture of the property, judgments of the court were entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $400, in conformity with section 10 of the act, conditioned in part that it be reprocessed and reconditioned under the supervision of this department.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13449. Adulteration of canned cherries. U. S. v. 57 Cases of Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19987. I. S. No. 15573–v. S. No. E–5280.)

On April 11, 1925, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 57 cases of cherries, at Erie, Pa., alleging that the article had been shipped by the Egypt Canning Co. (Inc.), from Fairport, N. Y., on or about November 11, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pride Of Egypt Brand Red Sour Pitted Cherries * * * Guaranteed And Distributed By Egypt Canning Co., Inc. Egypt, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance, in that it contained excessive larvae.

On May 21, 1925, the Egypt Canning Co. (Inc.), Egypt, N. Y., claimant, having admitted the allegations of the libel and having consented to the condemnation and forfeiture of the product, judgment of the court was entered, ordering that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $200, in conformity with section 10 of the act, conditioned in part that it be reprocessed and reconditioned under the supervision of this department.

R. W. Dunlap, *Acting Secretary of Agriculture.*

13450. Adulteration of oranges. U. S. v. 400 Cases of Oranges. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19820. I. S. Nos. 23827–v, 22146–v. S. No. C–4636.)

On February 19, 1925, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 cases of oranges, at Detroit, Mich., alleging that the article had been shipped by the Peppers Fruit Co., from Colton, Calif., January 23, 1925, and transported from the State of California into

the State of Michigan, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Peppers Fruit Company Sweetest Yet California Oranges."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of an inedible and decomposed vegetable substance and for the further reason that a substance (an inedible product) had been substituted wholly or in part for the said article.

On February 27, 1925, Andrews Bros., Detroit, Mich., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $2,000, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department and the bad portion destroyed.

R. W. Dunlap, *Acting Secretary of Agriculture.*

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WASHINGTON : GOVERNMENT PRINTING OFFICE : 1925

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 13451–13500

[Approved by the Acting Secretary of Agriculture, Washington, D. C., September 1, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

13451. Adulteration and misbranding of assorted preserves. U. S. v. 54 Cases of Assorted Preserves. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 19371. I. S. Nos. 6863–v, 6866–v, 6867–v, 6869–v, 6870–v. S. No. C–4560.)

On or about December 13, 1924, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 54 cases of assorted preserves, at El Paso, Tex., alleging that the articles had been shipped by the Goodwin Preserving Co., from Louisville, Ky., in part November 17, 1923, and in part July 14, 1924, and transported from the State of Kentucky into the State of Texas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Jar) "O. B. Brand Blackberry" (or "Quince" or "Peach" or "Strawberry") "Preserves with Apple Pectin * * * Goodwin Preserving Co. Incorporated Louisville, Ky. U. S. A.," the statement "With Apple Pectin" being in relatively small inconspicuous type as compared with the word "Preserves." A portion of the product was contained in cases labeled in part: "2 Doz. 16 Oz. Panel Jars" and bore the statement "Contents 1 Pound" on the jar labels.

Adulteration of the articles was alleged in substance in the libel for the reason that acidified compound preserves of blackberry, quince, peach, or strawberry flavor, as the case might be, containing tartaric acid and pectin, had been mixed and packed therewith so as to reduce, lower, and injuriously affect their quality and strength, and had been substituted wholly or in part for pure fruit preserves indicated on the labels.

Misbranding was alleged in substance for the reason that the statements on the cases and jars containing the articles were false and misleading and deceived and misled the purchaser, since the said preserves were not blackberry, quince, peach, and strawberry preserves, as the case might be, and were not pure fruit preserves of the flavors named but were imitation fruit preserves containing acidified compounds with tartaric acid and blackberry, quince, peach, and strawberry flavors, as the case might be. Misbranding was alleged for the further reason that the labeling was false and misleading, in that tartaric acid compound was not declared, and for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles. Misbranding was alleged with respect to a portion of the product for the further reason that the statement "Contents 1 Pound," borne on the jars, was false and misleading and deceived and misled the purchaser, since the contents of the said jars was less than 1 pound.

On April 7, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be sold by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

13452. Adulteration of oranges. U. S. v. 462 Boxes of Oranges. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19560. I. S. No. 23826-v. S. No. C-4635.)

On or about February 5, 1925, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 462 boxes of oranges, at El Paso, Tex., consigned by the Border Produce Co., Colton, Calif., alleging that the article had been shipped from Colton, Calif., on or about January 23, 1925, and transported from the State of California into the State of Texas, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that an inedible product had been substituted wholly or in part for the said article.

On April 7, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13453. Misbranding of horse and mule feed. U. S. v. Mississippi Elevator Co. Plea of guilty. Fine, $20 and costs. (F. & D. No. 17785. I. S. No. 10285-v.)

On October 31, 1923, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mississippi Elevator Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the food and drugs act, on or about March 7, 1923, from the State of Tennessee into the State of Georgia, of a quantity of horse and mule feed which was misbranded. The article was labeled in part: (Tag) "Horse & Mule Feed (Sweet) Manufactured By Mississippi Elevator Company Memphis, Tenn. Guaranteed Analysis Protein Minimum 9.00% Fat Minimum 2.00% * * * Fibre Maximum 15.00%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 6.24 per cent of protein, 1.39 per cent of fat, and 17.67 per cent of fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis Protein Minimum 9.00% Fat Minimum 2.00% * * * Fibre Maximum 15.00%," borne on the tags attached to the sacks containing the article, were false and misleading, in that the said statements represented that the article contained not less than 9 per cent of protein, not less than 2 per cent of fat, and not more than 15 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 9 per cent of protein, not less than 2 per cent of fat, and not more than 15 per cent of fiber, whereas it contained less protein, less fat, and more fiber than declared.

On November 26, 1924, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $20.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13454. Misbranding of Hill's kaskara tablets. U. S. v. W. H. Hill Co. Plea of guilty. Fine, $50. (F. & D. No. 9910. I. S. No. 9801-p.)

On September 18, 1919, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the W. H. Hill Co., a corporation, Detroit, Mich., alleging shipment by said company, in violation of the food and drugs act as amended, on or about May 23, 1918, from the State of Michigan into the State of Illinois, of a quantity of Hill's kaskara tablets which were misbranded. The article was labeled in part: "Mf'd Only By W. H. Hill Co., Detroit, Mich."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was an iron, chalk, and sugar-coated tablet containing emodin, aromatics, juniper resins, and caffein.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, borne on the package containing the said article and in the accompanying circular, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for backache, renal calculi, diabetes, Bright's disease, urinary and bladder troubles, liver and kidney troubles, kidney diseases and consumption of the kidneys, and effective for

restoring the kidneys and liver to a healthy condition and effective to stimulate the kidneys to healthy action, so they would separate the urine and other morbid products from the blood and thereby prevent the formation of uric acid and other calculus products, as effective as a treatment, remedy, and cure for acute inflammation of the kidneys, dropsical swelling, rheumatism, and neuralgia, as effective to strengthen the kidneys, subdue inflammation, and restore their blood cleansing and diuretic or urine gathering functions, as effective to put a stop to disintegration of the kidneys and prevent the escape of albumen or sugar into the urine, to cause the violence of all disease symptoms to subside rapidly, to correct disorders of the urine, to diminish dropsical conditions, and gradually to eliminate the poisonous uric acid in the blood, as effective to cause the whole system to be cleansed, stimulated, and strengthened, to cause the kidneys, liver, and stomach to work harmoniously in stimulating morbid products and retoning diseased organs, as effective to neutralize the uric, lactic, and lithic acids in the blood, eliminating through the kidneys, bowels, and skin all morbid and unhealthy accumulations from the system, and effective as a solvent for calculus or stone in the kidney or bladder, and to prevent the formation of an excess of uric acid, calculus, stone or gravel, and effective as a relief and cure for all disorders arising from a weak or diseased condition of the kidneys and liver, when, in truth and in fact, it contained no ingredients or medicinal agents effective for the purposes claimed.

On November 25, 1924, the defendant entered a plea of guilty to the information, and the court imposed a fine of $50.

C. F. Marvin, *Acting Secretary of Agriculture.*

13455. Misbranding of butter. U. S. v. 15 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20026. I. S. No. 20437–v. S. No. W–1691.)

On or about April 1, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 cases of butter, remaining in the original unbroken packages at San Francisco, Calif., delivered for shipment by Armour & Co., San Francisco, Calif., alleging that the article was being shipped in interstate commerce from San Francisco., Calif., into the Territory of Hawaii, on April 1, 1925, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Fancy Woodlawn Brand Creamery Butter Quarters * * * Net Weight One Pound * * * Armour And Company San Francisco Distributors."

It was alleged in substance in the libel that the article was misbranded in violation of section 8, general paragraph, and paragraphs second and third under food of the said act, in that it was labeled "Net Weight One Pound," and the said cartons contained a smaller quantity than 1 pound.

On April 25, 1925, Armour & Co. having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $432, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

13456. Misbranding of peanut meal. U. S. v. Dothan Oil Mill Co. Plea of guilty. Fine, $10. (F. & D. No. 18470. I. S. No. 3328–v.)

On May 29, 1924, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dothan Oil Mill Co., a corporation, Dothan, Ala., alleging shipment by said company, in violation of the food and drugs act, on or about January 30, 1923, from the State of Alabama into the State of Florida, of a quantity of peanut meal which was misbranded. The article was labeled in part "First Grade Peanut Meal Manufactured By Dothan Oil Mill Company Dothan, Alabama. Guaranteed Analysis Protein 45.00 p. c."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the said sample contained 41.46 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 45.00 p. c.," borne on the

tags attached to the sacks containing the said article, was false and misleading, in that the said statement represented that the article contained not less than 45 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 45 per cent of protein, whereas it did contain less than 45 per cent of protein.

On March 10, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $10.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13457. Misbranding of ground beef scrap. U. S. v. M. L. Shoemaker & Co. (Inc.). Plea of guilty. Fine, $25. (F. & D. No. 19270. I. S. Nos. 10599–v, 22266–v.)

On January 20, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against M. L. Shoemaker & Co. (Inc.), trading at Philadelphia, Pa., alleging shipment by said company, in violation of the food and drugs act, in two consignments, namely, on or about January 23 and June 4, 1924, respectively, from the State of Pennsylvania into the State of Maryland, of quantities of ground beef scrap which was misbranded. The article was labeled in part: "Shoemaker's Swift-Sure * * * Ground Beef-Scrap For Poultry Guaranteed Analysis Protein 55% * * * Fibre 1%" (or "Protein 55 65%") "Manufactured By M. L. Shoemaker & Co. Incorporated Philadelphia. Pa."

Analyses by the Bureau of Chemistry of this department of a sample from each of the consignments showed that the said samples contained 49.5 per cent and 49.8 per cent, respectively, of protein. Analysis of a sample of the product consigned June 4, 1924, showed that the said sample contained 2.38 per cent of fiber.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 55% * * * Fibre 1%," borne on the sacks contained in one shipment of the article, and the statement "Guaranteed Analysis Protein 55–65%," borne on the sacks contained in the other shipment thereof, were false and misleading, in that the said statements represented that the article contained not less than 55 per cent of protein and that the article in one shipment contained not more than 1 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 55 per cent of protein and that in one shipment it contained not more than 1 per cent of fiber, whereas it did contain less than 55 per cent of protein, and in one shipment it contained more than 1 per cent of fiber.

On May 11, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13458. Adulteration and alleged misbranding of sirup. U. S. v. 43½ Cases of Sirup. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19380. I. S. No. 21010–v. S. No. W–1621.)

On December 15, 1924, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 43½ cases of sirup, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Coastwise Mercantile Co., from San Francisco, Calif., November 14, 1924, and transported from the State of California into the State of Washington, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "FGF Specially Flavored Table Syrup * * * E. A. Archibald Jr., Distributor San Francisco."

Adulteration of the article was alleged in the libel for the reason that glucose had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "FGF Specially Flavored Table Syrup" was false and misleading and deceived and misled the purchaser, and for the further reason that it was offered for sale under the distinctive name of another article.

On April 9, 1925, E. A. Archibald, jr., San Francisco, Calif., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product adulterated and ordering its condemnation and forfeiture, and it was further ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

13459. Misbranding of Sal-Tonik. U. S. v. 5 Packages of Sal-Tonik. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 18010. I. S. No. 5651–v. S. No. C–4164.)

On November 13, 1923, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 packages of Sal-Tonik, remaining in the original unbroken packages at Ihlen, Minn., alleging that the article had been shipped by the Guarantee Veterinary Co., from Sioux City, Iowa, on or about October 9, 1923, and transported from the State of Iowa into the State of Minnesota, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of 89.3 per cent of salt (sodium chloride) containing small amounts of sulphur, sodium sulphate, sodium carbonate, iron oxide, and calcium carbonate, with traces of a magnesium compound and plant material.

Misbranding of the article was alleged in the libel for the reason that the following statements appearing on the carton containing the said article and in the accompanying circular, (carton and circular) "Disease Prevent'ive Worm Destroyer," (circular) "composed of * * * worm destroying drugs * * * worm destroyers * * * Is A Vermifuge (Worm Destroyer) * * * stock * * * will Doctor Themselves Automatically * * * supplies them with * * * vermifuges (worm destroyers) just When and Where your hogs * * * sheep * * * cows * * * horses need them and Doctors Them Automatically * * * positively destroys stomach worms and free intestinal worms As Soon As They Are Hatched * * * This is the * * * way to rid your stock of worms * * * prevents many diseases caused by these worms * * * works along the lines of prevention: that is Kill The Worm While It Is Small * * * Is intended to keep your animals From Getting Sick * * * to Destroy The Worm As Soon As It Is Hatched," regarding the curative and therapeutic effects of the said article, were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed. Misbranding was alleged for the further reason that the labeling stated "Red Pepper (Capsicum) present," whereas analysis showed that it was absent.

On June 18, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

13460. Adulteration of canned tuna fish. U. S. v. 17 Cases and 12 Cans of Tuna (Tonno) Fish. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19467. I. S. No. 20710–v. S. No. W–1623.)

On January 8, 1925, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 17 cases and 12 cans of tuna fish, remaining in the original unbroken packages at Denver, Colo., consigned by the Van Camp Sea Food Co. (Inc.), San Pedro, Calif., alleging that the article had been shipped from East San Pedro, Calif., on or about February 29, 1924, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Van Camp's Brand Tonno * * * Packed By Van Camp Sea Food Co. San Pedro, Calif."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance, to wit, of decomposed and rotten tuna fish.

On June 29, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13461. Adulteration of butter. U. S. v. 7 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. No. 20066. I. S. No. 23402-v. S. No. W-1701.)

On April 18, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 7 cubes of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Savinar Co., Portland, Oreg., April 14, 1925, and transported from the State of Oregon into the State of Washington, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat content had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength, and had been substituted wholly or in part for the said article, and for the further reason that a valuable constituent, butterfat, had been abstracted from the article.

On May 1, 1925, T. B. Klock & Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the deposit of $200 collateral to insure the reconditioning of the product under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13462. Misbranding and alleged adulteration of butter. U. S. v. 8 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20092. I. S. No. 23409-v. S. No. W-1708.)

On May 5, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel and on May 6 an amended libel praying the seizure and condemnation of 8 cases of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been delivered for shipment to the Territory of Alaska by the West Coast Grocery Co., and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Tin) "Bradner's Jersey Creamery Butter. This Can Contains Two Pounds * * * Manufactured And Packed By The Bradner Company Seattle Washington U. S. A."

Adulteration of the article was alleged in the libel for the reason that a substance deficient in milk fat content had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality, and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that a valuable constituent of the article, butterfat, had been abstracted therefrom.

Misbranding was alleged for the reason that the statement "Butter" was false and misleading and deceived and misled the purchaser, for the further reason that it was offered for sale under the distinctive name of another article, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 13, 1925, the Bradner Co., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of the court was entered, finding the product misbranded, in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the package, and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $250, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13463. Adulteration of cottonseed meal. U. S. v. Robeson Mfg. Co. Defendant submits to judgment. Fine, $25 and costs. (F. & D. No. 19006. I. S. No. 2935–v.)

On November 8, 1924, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Robeson Mfg. Co., a corporation, Lumberton, N. C., alleging shipment by said company, in violation of the food and drugs act, on or about November 19, 1923, from the State of North Carolina into the State of New Jersey, of a quantity of cottonseed meal which was adulterated. The article was labeled in part: "Guaranteed Analysis Protein (minimum) 36.00% Ammonia (minimum) 7.00% * * * Crude Fibre (maximum) 14.00%."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 6.66 per cent of ammonia, 34.25 per cent of protein, and 17.33 per cent of crude fiber.

Adulteration of the article was alleged in the information for the reason that cottonseed meal containing less than 36 per cent of protein, less than 7 per cent of ammonia, and more than 14 per cent of crude fiber had been substituted for good cottonseed meal containing a minimum protein content of 36 per cent, a minimum ammonia content of 7 per cent, and a maximum crude fiber content of 14 per cent, which the said article purported to be.

On June 18, 1925, the defendant entered a submission to the information, and the court imposed a fine of $25 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

13464. Adulteration and misbranding of preserves. U. S. v. 33 Cases of Orange Marmalade Preserves, et al. Decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 19973. I. S. Nos. 17238–v to 17242–v, incl. S. No. E–5255.)

On April 22, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 33 cases of orange marmalade preserves, 37 cases of pineapple preserves, 44 cases of peach preserves, 42 cases of strawberry preserves, and 36 cases of raspberry preserves, remaining unsold in the original packages at Norfolk, Va., alleging that the articles had been shipped by George S. Murphy (Inc.), from New York, N. Y., in various consignments, namely, on or about September 8 and 13 and November 17, 1924, and January 7, 1925, respectively, and transported from the State of New York into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act. The articles were labeled in part: "Honeydew Brand Pure Orange Marmalade" (or "Pineapple" or "Peach" or "Strawberry" or "Raspberry") "Preserves * * * George S. Murphy Inc. New York."

Adulteration of the articles was alleged in the libel for the reason that a substance, pectin, had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality or strength, and had been substituted wholly or in part for the said articles. Adulteration of the raspbery preserves was alleged for the reason that a substance, loganberry, had been substituted in whole or in part for raspberry.

Misbranding was alleged in substance for the reason that the designations "Honeydew Pure Preserves" and "Pineapple," "Peach," Strawberry," "Raspberry" or "Orange Marmalade," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the articles were offered for sale under the distinctive names of other articles.

On June 30, 1925, George S. Murphy (Inc.), New York, N. Y., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that they be relabeled, after proper concentration, "Preserves" with a plain and conspicuous statement of added pectin and acid.

C. F. Marvin, *Acting Secretary of Agriculture.*

13465. Adulteration and misbranding of gray shorts. U. S. v. 100 Sacks of Gray Shorts. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19566. I. S. No. 6313–v. S. No. C–4634.)

On or about February 10, 1925, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 sacks of gray shorts, at Little Rock, Ark., alleging that the article had been shipped by the Kansas Flour Mills Co., from Kansas City, Mo., on or about December 22, 1924, and transported from the State of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Tag) "Grey Shorts & Wheat Screenings * * * Manufactured by The Kansas Flour Mills Company Kansas City, Mo."

Adulteration of the article was alleged in the libel for the reason that brown shorts had been substituted wholly or in part for the said article, and in that it was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the designation "Grey Shorts & Wheat Screenings" was false and misleading and deceived and misled the purchaser.

On June 26, 1925, the Darragh Co., Little Rock, Ark., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $100, in conformity with section 10 of the act, conditioned that it be relabeled in part: "Wheat Brown Shorts and Ground Screenings."

C. F. Marvin, *Acting Secretary of Agriculture.*

13466. Adulteration and misbranding of shorts and screenings. U. S. v. 64 Sacks of Shorts and Screenings. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19803. I. S. No. 17980–v. S. No. C–4652.)

On February 17, 1925, the United States attorney for the Northern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 64 sacks of shorts and screenings, at Fort Dodge, Iowa, alleging that the article had been shipped by the Kansas Flour Mills Co., from Kansas City, Mo., on or about January 13, 1925, and transported from the State of Missouri into the State of Iowa, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Wheat Grey Shorts and Screenings, The Kansas Flour Mills Co., Kansas City."

Adulteration of the article was alleged in the libel for the reason that brown shorts had been substituted wholly or in part for grey shorts.

Misbranding was alleged for the reason that the designation "Wheat Grey Shorts," borne on the labels, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On June 23, 1925, the Kansas Flour Mills Co., Kansas City, Mo., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act.

C. F. Marvin, *Acting Secretary of Agriculture.*

13467. Adulteration and misbranding of tomato paste. U. S. v. 65 Cases of Tomato Paste. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 19435. I. S. No. 22799–v. S. No. C–4586.)

On December 26, 1924, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 65 cases of tomato paste, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Hershel California Fruit Products Co., San Jose, Calif., on or about October 4, 1924, and transported from the State of California into the State

of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Tomato Sauce * * * Packed By Hershel Cal. Fruit Prod. Co. Packers Of Contadina Brand San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that an artificially colored tomato paste or sauce had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce," borne on the labels, was false and misleading and deceived and misled the purchaser when applied to a tomato paste containing artificial color not declared on the label.

On April 6, 1925, Ravarino & Freschi Importing & Manufacturing Co., St. Louis, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department to show that it was artificially colored.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13468. Adulteration and misbranding of milk chocolate. U. S. v. 500 Cartons of Sweet Milk Chocolate. Product ordered released under bond to be reprocessed. (F. & D. No. 18947. I. S. No. 2479–v. S. No. E–4919.)

On September 8, 1924, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 500 cartons of sweet milk chocolate, at Pittsburgh, Pa., alleging that the article had been shipped by the A. & P. Products Corp., from Brooklyn, N. Y., on or about May 16, 1924, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "A & P Sweet Milk Chocolate * * * The Great Atlantic & Pacific Tea Co."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive cocoa shells, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Milk Chocolate" and all reference to chocolate appearing in the label were false and misleading and deceived and misled the purchaser.

On November 15, 1924, the Great Atlantic & Pacific Tea Co. (Inc.) having appeared as claimant for the property and having admitted the allegations of the libel, an order of the court was entered providing that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that the fats be separated from the product and the residue destroyed under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13469. Misbranding of oysters. U. S. v. 400 Cases, et al., of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20050, 20051. I. S. Nos. 23406–v, 23407–v, 23408–v. S. No. W–1703.)

On April 30, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 565 cases of oysters, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by James E. Eyman Co., from New Orleans, La., March 23, 1925, and transported from the State of Louisiana into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Net Contents 8 Ounces" or "Contents 10 Ounces."

Misbranding of the article was alleged in the libel for the reason that the statements "Contents 10 Ounces" or "Contents 8 Ounces," as the case might be, borne on the labels, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article

was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On or about May 28, 1925, James E. Eyman, New Orleans, La., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

13470. Misbranding of cottonseed meal. U. S. v. International Vegetable Oil Co. Plea of guilty. Fine, $100 and costs. (F. & D. No. 19268. I. S. Nos. 2874–v, 2875–v, 13703–v, 13705–v.)

On March 10, 1925, the United States attorney for the Eastern District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the International Vegetable Oil Co., a corporation, trading at Raleigh, N. C., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about November 12, 13, and 17, 1923, respectively, from the State of North Carolina into the State of Pennsylvania, of quantities of cottonseed meal which was misbranded. A portion of the product was labeled in part: "Guaranteed Analysis Protein (Equivalent to 8% ammonia) 41.00% * * * Fibre (not more than) 10.00%." The remainder of the product was labeled in part: "Guaranteed Analysis Protein, not less than 41.12% Equivalent to Ammonia 8.00% * * * Fibre, not more than 10.00%."

Analyses by the Bureau of Chemistry of this department of a sample taken from each of the 4 lots of the product showed that the said samples contained 7.58 per cent, 7.48 per cent, 7.66 per cent, and 7.51 per cent, respectively, of ammonia, 38.94 per cent, 38.44 per cent, 39.94 per cent, and 38.63 per cent, respectively, of protein, and 11.64 per cent, 11.59 per cent, 10.66 per cent, and 12.14 per cent, respectively, of fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis Protein (Equivalent to 8% ammonia) 41.00% Fibre (not more than) 10.00%," with respect to a portion of the product, and "Guaranteed Analysis Protein, not less than 41.12% Equivalent to Ammonia 8.00% Fibre, not more than 10.00%," with respect to the remainder thereof, borne on the labels, were false and misleading, in that the said statements represented that the article contained not less than 41 per cent of protein, equivalent to 8 per cent of ammonia, or not less than 41.12 per cent of protein, equivalent to 8 per cent of ammonia, as the case might be, and contained not more than 10 per cent of fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 41 per cent of protein, equivalent to 8 per cent of ammonia, or not less than 41.12 per cent of protein, equivalent to 8 per cent of ammonia, and contained not more than 10 per cent of fiber, whereas the article contained less than the amounts of protein declared on the respective labels, less than the equivalent of 8 per cent of ammonia, and more than 10 per cent of fiber.

At the May, 1925, term of court a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $100 and costs.

C. F. Marvin, *Acting Secretary of Agriculture.*

13471. Adulteration and misbranding of butter. U. S. v. 750 Pounds et al. of Butter. Product released under bond to be reprocessed. (F. & D. Nos. 18960, 18961. I. S. Nos. 18279–v, 18280–v. S. Nos. C–4470, C–4471.)

On or about August 18, 1924, the United States attorney for the Western District of Tennessee, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,950 pounds of butter, at Memphis, Tenn., alleging that the article had been shipped by the Beebe Ice Co., Beebe, Ark., August 5, 1924, and transported from the State of Arkansas into the State of Tennessee, and charging misbranding with respect to a portion thereof and adulteration and misbranding with respect to the remainder, in violation of the food and drugs act as amended. A portion of the article was labeled in part: (Carton)

"Jersey Brand Butter * * * One Pound Net Weight." The remainder of the article was labeled in part: (Carton) "Strawberry Brand Pasteurized Creamery Butter. * * * Creamery Department of Beebe Ice Co. Beebe, Ark. * * * One Pound Net."

Adulteration was alleged with respect to the Jersey brand butter for the reason that excessive moisture had been mixed and packed with and substituted for butter, and for the further reason that a valuable constituent, butterfat, had been wholly or in part abstracted.

Misbranding was alleged with respect to both lots of the product for the reason that the statements "One Pound" and "One Pound Net," appearing in the labelings of the respective lots, were false and misleading and deceived and misled the purchaser, and for the further reason that it was in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 21, 1924, the Beebe Creamery Co., Beebe, Ark., having appeared as claimant for the property and having filed certified checks in lieu of bonds, judgments of the court were entered, ordering that the product be released to the said claimant to be reprocessed and that the claimant pay the costs of the proceedings.

C. F. Marvin, *Acting Secretary of Agriculture.*

13472. Adulteration and misbranding of cheese. U. S. v. 3½ Boxes of Cheese. Product ordered destroyed. (F. & D. No. 18383. I. S. No. 4365–v. S. No. C–4279.)

On February 13, 1924, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3½ boxes of cheese, at Detroit, Mich., consigned from Chicago, Ill., alleging that the article had been shipped by the Chicago Cheese & Farm Products Co., January 29, 1924, and transported in interstate commerce from the State of Illinois into the State of Michigan, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Individual package) "Daisy Brand Farmer Cheese Chicago Cheese & Farm Products Co."

Adulteration of the article was alleged in substance in the libel for the reason that it had been mixed and packed with foreign fat so as to injuriously affect its quality, and for the further reason that cheese made from foreign substances had been substituted wholly or in part for cheese made from animal fat substances, which the article purported to be.

Misbranding was alleged for the reason that the statement "Cheese," appearing in the labeling, was false and misleading, in that the product contained foreign fat, for the further reason that it was labeled "Cheese" so as to deceive and mislead purchasers, and for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, cheese.

On June 17, 1924, no claimant having appeared for the property and no market existing for the product, an order of the court was entered, providing for its destruction by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

13473. Adulteration of shell eggs. U. S. v. Theophilus Jimerson (Jimerson Bros.). Plea of guilty. Fine, $20. (F. & D. No. 19309. I. S. No. 18281–v.)

On May 25, 1925, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Theophilus Jimerson, trading as Jimerson Bros., Newark, Ark., alleging shipment by said defendant, in violation of the food and drugs act, on or about August 7, 1924, from the State of Arkansas into the State of Tennessee, of a quantity of shell eggs which were adulterated. The article was labeled in part: "Jimerson Bros., Newark, Ark."

Examination by the Bureau of Chemistry of this department of 540 eggs from the consignment showed that 123 eggs, or 22.8 per cent of those examined, were inedible eggs, consisting of black rots, mixed rots, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On May 25, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of $20.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13474. Adulteration and misbranding of butter. U. S. v. Golden State Milk Products Co. Plea of guilty. Fine, $250. (F. & D. No. 18581. I. S. No. 11998–v.)

On October 27, 1924, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Golden State Milk Products Co., a corporation, El Centro, Calif., alleging shipment by said company, in violation of the food and drugs act, on or about February 18, 1924, from the State of California into the State of Arizona, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Golden State Butter * * * San Francisco Golden State Milk Products Company Los Angeles."

Analyses of five samples of the article by the Bureau of Chemistry of this department showed an average of 79.61 per cent of milk fat.

Adulteration of the article was alleged in the information for the reason that a product deficient in milk fat had been substituted for butter, which the said article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding was alleged for the reason that the statement, to wit, "Butter," borne on the packages containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, whereas it did not so consist but did consist of a product deficient in milk fat. Misbranding was alleged for the further reason that the statement, to wit, "Butter," borne on the said packages, was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the said act of March 4, 1923, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount.

On March 10, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $250.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13475. Adulteration and misbranding of butter. U. S. v. the Merchants Creamery Co. Plea of guilty. Fine, $25. (F. & D. No. 19265. I. S. Nos. 12578–v, 12585–v.)

On January 26, 1925, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Merchants Creamery Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the food and drugs act as amended, in two consignments, namely, on or about March 18 and 25, 1924, respectively, from the State of Ohio into the State of West Virginia, of quantities of butter, one shipment of which was adulterated and misbranded and the other shipment of which was misbranded. The consignment of March 25, 1924, was labeled in part: "Rose Brand Creamery Butter The Merchants Creamery Company Cincinnati, O. One Pound Net." The consignment of March 18, 1924, was labeled in part: "Creamery Butter."

Examination by the Bureau of Chemistry of this department of 60 packages of the Rose brand butter showed that the average net weight was 15.63 ounces. Analyses of 7 samples from the remaining consignment showed an average of 79.5 per cent of milk fat.

Adulteration was alleged with respect to the consignment of March 18 for the reason that a product deficient in milk fat had been substituted for butter, which the article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

Misbranding of the Rose brand butter was alleged in the information for the reason that the statement "One Pound Net," borne on the packages containing the article, was false and misleading, in that it represented that each

of the packages contained 1 pound of butter, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound of butter, whereas each of the packages did not contain 1 pound of butter but did contain a less amount. Misbranding of the said Rose brand butter was alleged for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Misbranding was alleged with respect to the consignment of March 25 for the reason that the statement "Butter," borne on the packages containing the article, was false and misleading, in that the said statement represented that the article consisted wholly of butter, and for the further reason that it was labeled "Butter" so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, whereas it did not so consist but did consist of a product deficient in milk fat. Misbranding was alleged for the further reason that the statement, to wit, "Butter," borne on the said packages, was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, whereas it was a product which did not contain 80 per cent by weight of milk fat but did contain a less amount.

On June 5, 1925, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $25.

C. F. Marvin, *Acting Secretary of Agriculture.*

13476. Adulteration of canned cut beans. U. S. v. 503 Cases of Wapco Cut Beans. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 19479. I. S. No. 6261–v. S. No. C–4607.)

On or about January 9, 1925, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 503 cases of Wapco cut beans, remaining in the original unbroken packages at Denison, Tex., alleging that the article had been shipped by Appleby Bros., from Westfork, Ark., July 29, 1924, and transported from the State of Arkansas into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Wapco Cut Beans."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On May 8, 1925, the Waples-Platter Grocery Co., Denison, Tex., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

13477. Adulteration and misbranding of evaporated apples. U. S. v. 35 Cases of Evaporated Apples. Decree adjudging product adulterated and misbranded and ordering its release under bond. (F. & D. No. 19952. I. S. No. 14970–v. S. No. C–4693.)

On March 31, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 35 cases of evaporated apples, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by W. T. Gaylord, jr., Sodus, N. Y., on or about December 2, 1924, and transported from the State of New York into the State of Missouri, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Choice * * * Evaporated Snow Flake Apples W. T. Gaylord, Jr., Sodus, Wayne County, New York."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive moisture, had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Evaporated Apples," borne on the labels, was false and misleading and deceived and misled the purchaser, and in that the product was offered for sale under the distinctive name of another article.

On April 10, 1925, the Rosen-Reichardt Brokerage Co., St. Louis, Mo., having entered an appearance as claimant for the property and having admitted the allegations of the libel, judgment of the court was entered, finding the product adulterated and misbranded, and the said claimant having executed a bond in the sum of $250, conditioned that the product be reconditioned under the supervision of this department, it was ordered by the court that it be released to the claimant upon payment of the costs of the proceedings.

C. F. Marvin, *Acting Secretary of Agriculture.*

13478. Misbranding of cottonseed meal. U. S. v. 25 Sacks and 20 Sacks of Cottonseed Meal. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 19556, 19557. I. S. No. 21886–v. S. No. C–4626.)

On or about February 9, 1925, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 45 sacks of cottonseed meal, in part at Dawn, Ohio, and in part at Versailles, Ohio, consigned by the Platt Oil Co., Memphis, Tenn., about November 3, 1924, alleging that the article had been shipped from Memphis, Tenn., and transported from the State of Tennessee into the State of Ohio, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Protein 43 per cent."

Misbranding of the article was alleged in the libels for the reason that the statement "Protein 43 per cent," borne on the labels, was false and misleading and deceived and misled the purchaser.

On May 4, 1925, William P. Heigel, Dawn, Ohio, and Charles A. Heigel, Versailles, Ohio, claimants for respective portions of the product, having admitted the allegations of the libel and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of $200, in conformity with section 10 of the act, conditioned in part that it be relabeled satisfactorily to this department.

C. F. Marvin, *Acting Secretary of Agriculture.*

13479. Misbranding and alleged adulteration of cottonseed meal. U. S. v. 298 Sacks of Cotton Seed Meal. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 19558. I. S. No. 22285–v. S. No. E–5123.)

On or about February 13, 1925, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 298 sacks of cottonseed meal, remaining in the original unbroken packages at Rural Retreat, Va., alleging that the article had been shipped by the Clayton Oil Mills, from Clayton, N. C., October 15, 1924, and transported from the State of North Carolina into the State of Virginia, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Good Cotton Seed Meal Ammonia 7% Protein 36% Manufactured by Clayton Oil Mills Clayton, N. C."

Misbranding of the article was alleged in substance in the libel for the reason that the statement "Good Cotton Seed Meal. Ammonia 7%. Protein 36%," borne on the labels, was false and misleading and deceived and misled the purchaser, in that the said statement led the purchaser to believe that the article contained 36 per cent of protein, whereas it contained less than 36 per cent of protein. Misbranding was alleged for the further reason that the article was sold under the distinctive name of another article.

It was further alleged in substance in the libel that the article was adulterated in violation of paragraphs 1 and 2 of section 7 of the said act, in that a substance different (deficient) in protein had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

On April 16, 1925, no claimant having appeared for the property, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be relabeled by striking out the words from the label "Good," "Ammonia 7%," and "Protein 36%," and that it be sold by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

13480. Adulteration of canned cherries. U. S. v. 300 Cases of Canned Cherries. Product ordered released under bond. (F. & D. No. 19418. I. S. No. 15510–v. S. No. E–5071.)

On December 23, 1924, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 cases of canned cherries, at Pittsburgh, Pa., alleging that the article had been shipped by S. E. Comstock & Co., from Wayneport, N. Y., on or about September 10, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Red Sour Pitted Cherries."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On February 3, 1925, the Egypt Canning Co., Fairport, N. Y., having appeared as claimant for the property and having prayed leave to file a bond for the release of the product, an order of the court was entered, providing that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,100, conditioned in part that it not be disposed of in violation of law and that a representative of this department examine the portion of the product set aside as good before its distribution.

C. F. Marvin, *Acting Secretary of Agriculture.*

13481. Adulteration of canned cherries. U. S. v. 199 Cases of Canned Cherries. Decree ordering product released under bond. (F. & D. No. 19486. I. S. No. 15520–v. S. No. E–5096.)

On January 16, 1925, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 199 cases of canned cherries, at Fairport, N. Y., alleging that the article had been shipped by S. E. Comstock & Co., from Pittsburgh, Pa., on or about September 30, 1924, and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On March 12, 1925, the Egypt Canning Co., Fairport, N. Y., having appeared as claimant for the property and having admitted the allegations of the libel and executed a good and sufficient bond in conformity with section 10 of the act, it was ordered by the court that the product be released to the said claimant to be disposed of in compliance with law.

C. F. Marvin, *Acting Secretary of Agriculture.*

13482. Adulteration of coal-tar color. U. S. v. 10 Cans of Coal-Tar Color. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 14640. I. S. No. 2335–t. S. No. E–3185.)

On March 21, 1921, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cans of coal-tar color, remaining in the original unbroken packages at Rome, Ga., alleging that the article had been shipped by the W. B. Wood Manufacturing Co., from St. Louis, Mo., March 2, 1921, and transported from the State of Missouri into the State of Georgia, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Color * * * Red W. B. Wood Mfg. Co., St. Louis, Mo."

Adulteration of the article was alleged in the libel for the reason that sodium chloride and sodium sulphate had been mixed and packed with and substituted wholly and in part for the said article. Adulteration was alleged for the further reason that the article contained a poisonous and deleterious ingredient, to wit, arsenic, which might have rendered it injurious to health.

On June 23, 1925, the claimant, W. B. Wood Manufacturing Co., St. Louis, Mo., having withdrawn its answer and having admitted the interstate shipment and misbranding of the product, judgment of the court was entered, condemning and forfeiting the product for the causes set forth in the libel, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

13483. Adulteration of evaporated apples. U. S. v. 125 Boxes of Evaporated Apples. Decree entered, permitting release of product under bond. (F. & D. No. 19370. I. S. No. 8773–v. S. No. C–4562.)

On or about December 10, 1924, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 125 boxes of evaporated apples, at Memphis, Tenn., alleging that the article had been shipped by the Lincoln Fruit Co., from Lincoln, Ark., on or about September 30, 1924, and transported from the State of Arkansas into the State of Tennessee, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Evaporated Apples Packed by Lincoln Fruit Company, Lincoln, Arkansas."

Adulteration of the article was alleged in the libel for the reason that an excessive amount of water had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

On March 3, 1925, the Lincoln Fruit Co., Lincoln, Ark., claimant, having admitted the allegations of the libel, and having prayed release of the product under bond for the purpose of re-treating and drying down to the proper moisture content, an order of the court was entered, permitting the release of the said product upon payment of the costs of the proceedings and the execution of a bond in the sum of $333, conditioned as required by law.

C. F. Marvin, *Acting Secretary of Agriculture.*

13484. Adulteration and misbranding of canned tomatoes. U. S. v. 438 Cases of Canned Tomatoes. Product ordered released under bond. (F. & D. No. 19472. I. S. No. 15516–v. S. No. E–5097.)

On January 7, 1925, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 438 cases of canned tomatoes, at Altoona, Pa., alleging that the article had been shipped by C. A. Lee, from McDaniel, Md., October 30, 1924, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. A portion of the article was labeled in part: "Soughtafter Brand" (or "Yum-Yum Brand") "Tomatoes." The remainder of the said article was labeled in part: "Rich Neck Brand Tomatoes * * * Packed By Carroll & Warner McDaniel, Md."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomatoes" was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On February 14, 1925, the Shaffer Stores Co., Altoona, Pa., having appeared as claimant for the property and having prayed leave to file a bond for its release, an order of the court was entered, providing that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,300, conditioned in part that it not be disposed of in violation of law and that a representative of this department examine the portion of the product set aside as good before its distribution.

C. F. Marvin, *Acting Secretary of Agriculture.*

13485. Adulteration and misbranding of canned oysters. U. S. v. 325 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20011. I. S. Nos. 23886–v, 23887–v. S. No. C–4709.)

On April 17, 1925, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 325 cases of oysters, remaining in the original unbroken packages at Topeka, Kans., alleging that the article had been shipped by the J. E. Eyman Co., from Jackson, Miss., on or about March 10, 1925, and transported from the State of Mississippi into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as

amended. The article was labeled in part: "Sunburst Brand Oysters Contents 10 oz." (or "Contents 5 oz.").

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed therewith so as to injure, lower, and affect its quality, purity, and strength.

Misbranding was alleged in substance for the reason that the product was misleading and deceptive and calculated to induce the purchaser to believe it to be pure, whereas it was not but was adulterated as aforesaid. Misbranding was alleged for the further reason that the statements "10 oz." or "5 oz.," as the case might be, borne on the labels, were false and misleading, and for the further reason that it was [food] in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On June 8, 1925, the Theodore Poehler Mercantile Co., Topeka, Kans., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be relabeled to show its true contents.

C. F. Marvin, *Acting Secretary of Agriculture.*

13486. Adulteration of tomato paste. U. S. v. 530 Cans of Tomato Paste. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19985. I. S. No. 14379–v. S. No. E–5283.)

On April 13, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 530 cans of tomato paste, consigned by Wm. Silver & Co. (Inc.), Georgetown, Del., remaining in the original unbroken packages at Cambridge, Mass., alleging that the article had been shipped from Georgetown, Del., in part November 3, 1924, and in part November 14, 1924, and transported from the State of Delaware into the State of Massachusetts, and charging adulteration in violation of the food and drugs act. The article was labeled in part "Venetian Queen Brand Tomato Paste * * * Prepared By The Townsend Co. Georgetown, Del."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, putrid, or decomposed vegetable substance.

On June 29, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

13487. Adulteration and misbranding of canned tomatoes. U. S. v. Andrew J. Lewis. Plea of guilty. Fine, $100. (F. & D. No. 19338. I. S. Nos. 9214–v, 19348–v.)

On March 30, 1925, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Andrew J. Lewis, Walnut Point, Va., alleging shipment by said defendant, in violation of the food and drugs act, in two consignments, namely, on or about August 20 and October 5, 1923, respectively, from the State of Virginia into the State of Ohio, of quantities of canned tomatoes which were adulterated and misbranded. The article was labeled in part: "(Can) Potomac Brand Hand Packed Tomatoes * * * Our Extra Quality Packed By A. J. Lewis Walnut Point, Va."

Examination of the article by the Bureau of Chemistry of this department showed that it contained added water, puree, pulp and juice from skins and cores.

Adulteration of the article was alleged in the information for the reason that substances, to wit, water, puree, pulp and juice from skins and cores, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for hand-packed extra quality tomatoes, which the said article purported to be.

Misbranding was alleged for the reason that the statements "Hand Packed Tomatoes" and "Our Extra Quality," together with the design of a fresh, ripe tomato, borne on the labels, were false and misleading, in that they represented that the article consisted of selected tomatoes of extra quality,

and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted of selected tomatoes of extra quality, whereas it did not but did consist of a product composed in part of added water, added puree, pulp and juice from skins and cores.

On April 20, 1925, the defendant entered a plea of guilty to the information, and the court imposed a fine of $100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13488. Adulteration and misbranding of Jungle-Grape concentrate, Concord flavor. U. S. v. 11 Gallons, et al., of Jungle-Grape Concentrate, Concord Flavor. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 20044, 20045. I. S. Nos. 23319–v, 23320–v. S. Nos. W–1696, W–1697.)

On April 25, 1925, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 19 gallons, 32 half-gallons, and 73 quarts of Jungle-Grape concentrate, Concord flavor, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Jungle-Grape Products Co., from Salt Lake City, Utah, in various consignments, namely, on or about February 16 and 17 and March 31, 1925, respectively, and transported from the State of Utah into the State of Oregon, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Concentrate Jungle-Grape Concord Flavor. Manufactured By Jungle-Grape Products Co. Salt Lake City, Utah."

Adulteration of the article was alleged in the libels for the reason that a substance, an artificially flavored and artificially colored imitation grape flavor, had been substituted wholly or in part for normal grape flavor of good commercial quality, and for the further reason that it was colored in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements "Concentrate Jungle-Grape Concord Flavor," "Jungle-Grape Products Co.," Jungle-Grape Syrup," and "When two ounces of concentrate is added to one quart of simple syrup, the mixture will contain one-tenth of 1% Benzoate of Soda," borne on the labels, were false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On July 8, 1925, the Jungle-Grape Products Co., Salt Lake City, Utah, having appeared as claimant for the property and having consented to the entry of a decree, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act, conditioned in part that it not be disposed of until relabeled in a manner satisfactory to this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13489. Misbranding of cottonseed meal. U. S. v. F. W. Brode Corp. Plea of guilty. Fine, $50 and costs. (F. & D. No. 16853. I. S. No. 11719–t.)

On March 26, 1923, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the F. W. Brode Corp., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the food and drugs act, on or about December 6, 1921, from the State of Tennessee into the State of Kentucky, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "Lone Star Brand High Grade Cotton Seed Meal Made By F. W. Brode Corporation, Memphis, Tenn. Guaranteed Analysis Protein 43.00 Per Cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 39.6 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 43.00 Per Cent," borne on the tags attached to the sacks containing the said article, was false and misleading, in that the said statement represented that the article contained not less than 43 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 43 per cent of protein, whereas it did con-

tain less than 43 per cent of protein, to wit, approximately 39.6 per cent of protein.

On June 21, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13490. Adulteration and misbranding of canned corn. U. S. v. 740 Cases of Canned Corn. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20072. I. S. No. 15654–v. S. No. E–5204.)

On May 19, 1925, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 740 cases of canned corn, at Pittsburgh, Pa., alleging that the article had been shipped by the London Canning Co., from London, Ohio, on or about October 19, 1924, and transported from the State of Ohio into the State of Pennsylvania, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Deer Creek Brand Sugar Corn * * * Packed By London Canning Company London, Ohio."

Adulteration of the article was alleged in the libel for the reason that a substance, field corn, had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Sugar Corn," appearing in the labeling, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was sold under the distinctive name of another article.

On June 18, 1925, F. A. Fishbaugh, trading as the London Canning Co., London, Ohio, having appeared as claimant for the property and having consented to the entry of a decree of condemnation and forfeiture, judgment of the court was entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $2,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13491. Adulteration of canned cherries. U. S. v. 250 Cases of Pitted Cherries. Decree entered, ordering product released under bond to be salvaged. (F. & D. No. 19570. I. S. No. 14033–v. S. No. E–5127.)

On February 9, 1925, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 250 cases of pitted cherries, remaining in the original unbroken packages at Reading, Pa., consigned by the Egypt Canning Co., from Fairport, N. Y., alleging that the article had been shipped from Fairport, N. Y., on or about October 21, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Pride Of Egypt Brand Red Sour Pitted Cherries * * * Guaranteed And Distributed By Egypt Canning Co., Inc. Egypt, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On March 4, 1925, the Egypt Canning Co., Egypt, N. Y., having appeared as claimant for the property, judgment of the court was entered, ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $1,000, in conformity with section 10 of the act, conditioned in part that it be re-sorted, salvaged, repacked, and the bad portion destroyed, and that it not be sold until inspected and passed by a representative of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13492. Misbranding of cottonseed cake. U. S. v. 150 Sacks of Cottonseed Cake. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19930. I. S. No. 23099–v. S. No. C–4687.)

On March 27, 1925, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemna-

tion of 150 sacks of cottonseed cake, remaining in the unbroken packages at Wallace, Kans., alleging that the article had been shipped by the Munday Cotton Oil Co., from Munday, Tex., on or about February 1, 1925, and transported from the State of Texas into the State of Kansas, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: "100 Pounds (Net) 43 Per Cent Protein Cottonseed Cake Munday Cotton Oil Company, Munday, Texas."

Misbranding of the article was alleged in the libel for the reason that the statement "100 Pounds (Net) 43 Per Cent Protein" was false and misleading and calculated to induce the purchaser to believe that the said article contained not less than 43 per cent of protein, whereas it contained a much less amount than 43 per cent of protein. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 26, 1925, the Munday Cotton Oil Co., Munday, Tex., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be relabeled to show its true contents.

C. F. Marvin, *Acting Secretary of Agriculture.*

13493. Misbranding and alleged adulteration of canned oysters. U. S. v. 39 Cases of Canned Oysters. Decree entered, adjudging product misbranded and ordering its destruction. (F. & D. No. 19953. I. S. No. 14739–v. S. No. C–4694.)

On March 31, 1925, the United States attorney for the Eastern District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 39 cases of canned oysters, at Morristown, Tenn., alleging that the article had been shipped by the Marine Products Co., from Biloxi, Miss., on or about January 21, 1925, and transported from the State of Mississippi into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: "Marine Oysters Contents 4 Ounces Oyster Meat Marine Products. Inc. New Orleans, La. Distributors."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Marine Oysters Contents 4 Ounces Oyster Meat" was false and misleading and intended to deceive and mislead the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 25, 1925, no claimant having appeared for the property, judgment of the court was entered, finding the product misbranded and ordering that it be destroyed by the United States marshal.

C. F. Marvin, *Acting Secretary of Agriculture.*

13494. Misbranding of cottonseed cake. U. S. v. 200 Sacks of Cottonseed Cake. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19897. I. S. No. 23882–v. S. No. C–4681.)

On March 14, 1925, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 sacks of cottonseed cake, remaining in the unbroken packages at Hutchinson, Kans., alleging that the article had been shipped by the Choctaw Cotton Oil Co., from Shawnee, Okla., on or about October 28, 1924, and transported from the State of Oklahoma into the State of Kansas, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "Guaranteed Analysis Protein Not less than 43% * * * Silo Brand Choctaw Cotton Oil Co. Kansas City, Mo."

Misbranding of the article was alleged in the libel for the reason that the statement "Protein Not less than 43%," borne on the labels, was false and misleading and calculated to induce the purchaser to believe that the article

contained not less than 43 per cent of protein, whereas it contained a much less amount than 43 per cent of protein.

On March 25, 1925, the Choctaw Cotton Oil Co., Kansas City, Mo., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be relabeled to show its true contents.

C. F. Marvin, *Acting Secretary of Agriculture.*

13495. Adulteration and misbranding of gray shorts and screenings. U. S. v. 60 Sacks of Gray Shorts and Screenings. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19571. I. S. No. 22713–v. S. No. C–4643.)

On or about February 19, 1925, the United States attorney for the Western District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 60 sacks of gray shorts and screenings, remaining in the original unbroken packages at Monroe, La., alleging that the article had been shipped by J. F. Weinmann Milling Co., from Little Rock, Ark., on or about January 19, 1925, and transported from the State of Arkansas into the State of Louisiana, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Wheat Gray Shorts and Screenings."

Adulteration of the article was alleged in the libel for the reason that an added substance, to wit, brown shorts, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the designation "Wheat Gray Shorts," printed on the sacks containing the article, was false and misleading and deceived and misled the purchaser, and for the further reason that the article was offered for sale under the distinctive name of another article.

On April 9, 1925, the Southern Grocer Co. (Ltd.), Monroe, La., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $100, in conformity with section 10 of the act, conditioned in part that it be properly relabeled in accordance with law.

C. F. Marvin, *Acting Secretary of Agriculture.*

13496. Misbranding of wheat gray shorts and screenings. U. S. v. 400 Sacks of Wheat Gray Shorts and Screenings. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20031. I. S. No. 22001–v. S. No. C–4437.)

On July 11, 1924, the United States attorney for the District of Kansas, acting upon a report by an official of the State of Kansas, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 sacks of wheat gray shorts and screenings, remaining in the original unbroken packages at Kansas City, Kans., alleging that the article had been shipped by B. C. Christopher & Co., Kansas City, Mo., on or about July 3, 1924, and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the food and drugs act.

Misbranding of the article was alleged in substance in the libel for the reason that the tags on the sacks containing the article stated that the contents thereof was wheat gray shorts and screenings, whereas the said article was not wheat gray shorts, in that a necessary ingredient had been abstracted in the process of manufacture, creating an article in imitation of and offered for sale under the distinctive name of another article, so as to deceive and mislead the purchaser thereof.

On July 25, 1924, B. C. Christopher & Co., Kansas City, Mo., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that it be relabeled to show its true contents.

C. F. Marvin, *Acting Secretary of Agriculture.*

13497. Adulteration and misbranding of jams, jelly, and preserves. U. S. v. F. P. Adams Co., Inc. Plea of nolo contendere. Fine, $50. (F. & D. No. 19308. I. S. Nos. 15362–v, 15363–v, 15365–v, 15366–v, 15372–v, 15373–v.)

On April 8, 1925, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against F. P. Adams Co. (Inc.), a corporation, Boston, Mass., alleging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on or about November 12, 16, and 22, 1923, respectively, from the State of Massachusetts into the State of Rhode Island, of quantities of jams and jelly, and on or about December 2, 1923, from the State of Massachusetts into the State of New Hampshire, of quantities of preserves, all of which were adulterated and misbranded. The articles were labeled, variously, in part: "Pure Strawberry" (or "Raspberry") "Jam Prepared From Selected Fruit And Refined Sugar Manufactured By F. P. Adams Co. Inc. Boston, U. S. A."; "Pure Apple Jelly"; and "Pure Food Strawberry" (or "Raspberry") "Preserve Made From Selected Fruit and Refined Sugar."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they were composed in part of glucose and added pectin.

Adulteration of the articles was alleged in the information for the reason that glucose pectin fruit products had been mixed and packed therewith so as to lower and reduce and injuriously affect their quality and strength and had been substituted for the said articles.

Misbranding was alleged for the reason that the statements, to wit, "Pure Strawberry" (or "Raspberry") "Jam Prepared From Selected Fruit And Refined Sugar," with respect to the said jams, "Pure Apple Jelly," with respect to the said jelly, and "Pure Strawberry" (or "Raspberry") "Preserve Made From Selected Fruit and Refined Sugar," with respect to the said preserves, borne on the respective labels, were false and misleading, in that the said statements represented that the articles were pure strawberry or raspberry jams or preserves, made from selected fruit and refined sugar, or pure apple jelly, as the case might be, and for the further reason that they were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were pure strawberry or raspberry jams or preserves, made from selected fruit and refined sugar, or pure apple jelly, as the case might be, whereas they were not but were mixtures composed in part of glucose and added pectin.

On April 27, 1925, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of $50.

C. F. Marvin, *Acting Secretary of Agriculture.*

13498. Adulteration and misbranding of assorted preserves. U. S. v. 89 Cases and 91 Cases of Preserves. Consent decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 19528. I. S. Nos. 23159–v to 23163–v, incl. S. No. C–4620.)

On January 26, 1925, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 180 cases of assorted preserves, remaining in the original unbroken packages at Wichita, Kans., alleging that the articles had been shipped by the Goodwin Preserving Co., from Louisville, Ky., on or about October 28, 1924, and transported from the State of Kentucky into the State of Kansas, and charging adulteration and misbranding in violation of the food and drugs act as amended. The articles were labeled in part: (Jar) "O B Brand Cherry" (or "Strawberry" or "Raspberry" or "Blackberry" or "Peach" or "Pineapple") "Preserves With Apple Pectin Contents 2 Lbs., 12 Ozs." (or "Contents 14½ ozs.") "Goodwin Preserving Co. Incorporated Louisville, Ky. U. S. A."

Adulteration of the articles was alleged in the libel for the reason that an acidified compound, cherry (or strawberry, raspberry, blackberry, peach, or pineapple, as the case might be) and pectin preserve, had been mixed and packed therewith so as to reduce, lower, or injuriously affect their quality or strength and had been substituted wholly or in part for the said articles.

Misbranding was alleged in substance for the reason that the statements "Strawberry" (or "Cherry" or "Raspberry" or "Blackberry" or "Peach" or "Pineapple", as the case might be) "preserves," borne on the labels, were false and misleading and deceived and misled the purchaser, and the said statements were not corrected by the inconspicuous statement "Apple Pectin." Misbranding was alleged for the further reason that the articles were imita-

tions of and offered for sale under the distinctive names of other articles, for the further reason that they contained added tartaric acid, and for the further reason that they were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On March 4, 1925, the Goodwin Preserving Co., Louisville, Ky., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of $500, in conformity with section 10 of the act, conditioned in part that they be relabeled to show their true contents.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13499. Adulteration of butter. U. S. v. Sherman White & Co. Plea of guilty. Fine, $75 and costs. (F. & D. No. 18476 I. S. No. 8876-v.)

On May 15, 1925, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment against Sherman White & Co., a corporation, Fort Wayne, Ind., charging shipment by said company, in violation of the food and drugs act, on July 20, 1923, from the State of Indiana into the State of Ohio, of a quantity of butter which was adulterated. The article was labeled in part: "Delft Fancy Creamery Butter * * * Manufactured by Sherman White & Co. Ft. Wayne, Ind."

Analysis of 3 samples of the article by the Bureau of Chemistry of this department showed an average of 16.38 per cent of moisture and 78.99 per cent of milk fat.

Adulteration of the article was charged in the indictment for the reason that a product deficient in milk fat and containing an excessive amount of moisture had been substituted for butter, which the article purported to be, and for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923.

On June 3, 1925, a plea of guilty to the indictment was entered on behalf of the defendant company, and the court imposed a fine of $75 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13500. Adulteration of butter. U. S. v. Schlosser Bros. Pleas of guilty. Fines, $225 and costs. (F. & D. Nos. 18475, 19608. I. S. Nos. 1056-v, 12657-v, 12661-v.)

On May 15, 1925, the grand jurors of the United States within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid two indictments against Schlosser Bros. (Inc.), a corporation, Frankfort, Ind., charging shipment by said company, in violation of the food and drugs act, in various consignments, namely, on June 12, 1923, and August 5, 1924, respectively, from the State of Indiana into the State of Maryland, of quantities of butter which was adulterated.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was deficient in milk fat and in one shipment it also contained excessive moisture.

Adulteration of the article was charged in substance in the indictments for the reason that a substance containing less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923. Adulteration was further charged in one of the indictments for the reason that a product containing an excessive amount of moisture had been substituted for butter, which the said article purported to be.

On June 3, 1925, pleas of guilty to the indictments were entered on behalf of the defendant company, and the court imposed fines in the aggregate sum of $225, together with the costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

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